

# APPLICATION FOR THE CLEAN OHIO CONSERVATION FUND SUMMARY SHEET

APPLICANT: Hamilton County Park District CODE # 061-02037

DISTRICT NUMBER: 2 COUNTY: Hamilton DATE 7/14/06

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PROJECT NAME: Oxbow Floodplain Expansion Site

## ELIGIBLE APPLICANT

(Check Only 1)

- ☐ A. County (1)  
☐ B. City (2)  
☐ C. Township (3)  
☐ D. Village (4)  
☐ E. Conservancy District (6)  
☐ F. Soil & Water  
 Conservation District (7)

- ☐ G. Joint Recreational District (8)  
☒ H. Park District/ Authority (9)  
☐ I. Nonprofit Organization (10)  
☐ J. Other \_\_\_\_\_ (11)

## PROJECT TYPE

(Check Largest Component)

- ☐ A. Open Space (7)  
☒ B. Riparian Corridor (8)

## PRIMARY PROJECT EMPHASIS 10 7, 1

10. Preserves or restores functioning flood  
plains.  
 7. Preserves or restores flood plain and stream side  
forest functions  
 1. Protects habitat for rare, threatened and  
endangered species.

## ESTIMATED TOTAL

## CLEAN OHIO CONSERVATION

PROJECT COST (from 1.1f): \$ 179,807.00 FUNDING REQUESTED: (from 1.2e) \$ 124,067.00

NRAC APPROVAL - To be completed by the NRAC Committee ONLY

GRANT: \$ \_\_\_\_\_

## FOR OPWC USE ONLY

PROJECT NUMBER: \_\_\_\_\_

APPROVED FUNDING: \$ \_\_\_\_\_

Local Participation \_\_\_\_\_ %

Project Release Date: \_\_\_\_\_

Clean Ohio Fund Participation \_\_\_\_\_ %

OFFICE OF NEW BURLINGTON  
COUNTY ENGINEER

2006 JUL 13 PM 12:11

## 1.0 PROJECT FINANCIAL INFORMATION

1.1 PROJECT ESTIMATED COSTS: TOTAL DOLLARS		In Kind
(Round to Nearest Dollar)		Dollars
		(See definition in instructions.)
a.) Acquisition Expenses:	\$ <u>167,370.00</u>	_____
Fee Simple Purchase	\$ <u>148,155.00</u>	_____
Conservation Easement Purchase	\$ <u>.00</u>	_____
Easement Purchase	\$ <u>.00</u>	_____
Other <u>gift donation</u>	\$ <u>19,215.00</u>	_____
b.) Planning and Implementation:	\$ <u>2,450.00</u>	_____
Appraisal	\$ <u>1,250.00</u>	_____
Closing Costs	\$ _____	_____
Title Search	\$ _____	_____
Environmental Assessments	\$ <u>1,200.00</u>	_____
Survey	\$ _____	_____
Other Eligible Costs	\$ _____	_____
c.) Construction or Enhancement of Facilities: (Reforestation)	\$ <u>9,987.00</u>	_____
Tree Seed, 7 species (hard mast)	\$4,000.00	
Tree/Shrub Seed, 10 species (soft mast)	\$1,900.00	
Herbicide, \$300 X 5 applications =	\$1,500.00	
Herbicide application labor \$27.00/acre X 5 X 11.5ac.=	\$1,552.50	
Discing \$20.00/acre X 11.5ac. =	\$230.00	
Planting \$16.00/acre X 2 X 11.5ac. =	\$368.00	
Cultipacking \$19.00/acre X 2 X 11.5ac. =	\$437.00	
<b>Total</b>	<b>\$9,987.50</b>	
d.) Permits, Advertising, Legal:	\$ <u>.00</u>	_____
e.) Contingencies:	\$ <u>.00</u>	_____
(not to exceed 10% of total costs)		
f.) TOTAL ESTIMATED COSTS:	\$ <u>179,807.00</u>	

**1.2 PROJECT FINANCIAL RESOURCES:**

(Round to Nearest Dollar and Percent)

	DOLLARS	%
a.) In-Kind Contributions (Please define)_____	\$_____ .00	
b.) Applicant Contributions (Local Funds)	\$ <u>35,525.00</u>	<u>      </u> %
c.) Other Public Revenues		
Nature Works	\$_____ .00	
Land Water Conservation Fund	\$_____ .00	
Ohio Environmental Protection Agency	\$_____ .00	
Ohio Water Development Authority	\$_____ .00	
Community Development Block Grant	\$_____ .00	
Ohio Department of Natural Resources	\$_____ .00	
OTHER_____	\$_____ .00	
d.) Private Contributions (Gift Donation \$19,215) (Oxbow Inc. \$1,000 contribution)	\$ <u>20,215 .00</u>	
<b><i>SUBTOTAL LOCAL RESOURCES:</i></b>	\$ <u>55,740.00</u>	<u>31%</u>
e.) <b>CLEAN OHIO CONSERVATION FUND:</b>	\$ <u>124,067.00</u>	
Funds from another NRAC	\$_____ .00	
<b><i>SUBTOTAL CLEAN OHIO RESOURCES:</i></b>	\$ <u>124,067.00</u>	<u>69%</u>
f.) <b>TOTAL FINANCIAL RESOURCES:</b>	\$ <u>179,807.00</u>	<u>100%</u>

**1.3 AVAILABILITY OF LOCAL FUNDS:**

Please list any partnership with other sources. (i.e.; is this part of a larger project or plan):

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## 2.0 PROJECT INFORMATION

If the project is multi-jurisdictional, information must be consolidated in this section.

X Please check here if additional documentation is attached.

### 2.1 BRIEF PROJECT DESCRIPTION - (Sections A through E):

**A: SPECIFIC LOCATION:** Please attach a map.

**PROJECT COUNTY:** Hamilton      **PROJECT ZIP CODE:** 45052

**B: PROJECT COMPONENTS:** Please describe the various project components.

**C: PROJECT EMPHASIS AS DEFINED BY SECTIONS 164.22 (A) (B) OF THE OHIO REVISED CODE AND LISTED IN APPENDIX A:** Please describe.

**D: DEFINE TERMS OF EASEMENTS:**  
PLEASE REFER TO SECTION 164.26 OF THE OHIO REVISED CODE.

#### **E: INFORMATION REGARDING PUBLIC ACCESS**

Where is the access located? Is it open to the general public or are there restrictions? What are the hours of availability? Will the general public be given the opportunity to participate in the planning of the project?

### 2.2 OWNERSHIP/MANAGEMENT/OPERATION: Please address.

## 2.0 Project Information

### 2.1 Brief Project Description

- A. **Specific Location:** The Jansen property, which is referred to here as the Oxbow Floodplain Expansion site (OFES), is located in the southwestern most portion of Hamilton County north of Shawnee Lookout and the Uhlmansiek Wildlife Sanctuary (UWS) flanking the Great Miami River. The northern portion of the property is located in Whitewater Township and the southern portion is in Miami Township. The site can be accessed via U.S. 50 via existing farm roads and is located in the 45052 zip code. See attached map (Exhibit 1 & 2).
- B. **Project Components:** See Attachment A. This application includes two primary components: the fee simple purchase and restoration of the OFES. The Oxbow, Inc will contribute \$1,000 towards the local match. Oxbow Inc. is a private non-profit group which is dedicated to the preservation and restoration of this regional wetland area. The Hamilton County Park District (HCPD) will purchase the property and manage it using accepted Best Management Practices. The 37 acre OFES is located within the riparian corridor along the Great Miami River and is an in-holding within a larger protected Oxbow floodplain buffer area. There is a significant, protected Oxbow environment west of this Oxbow floodplain site. This floodplain area is critical to the buffering of the Oxbow wetland environment and to its overall health.



*Typical view of the Great Miami River corridor on the OFES.*

This property has three distinct environments, the northern portion which is currently being farmed, the riverbed area which encompasses the Great Miami River, and the portion south of the river which is currently forested. These three portions were appraised at different values.

The HCPD is buying the river portion and southern portion of the OFES below the appraised value and is proposing to use the differential as a gift donation for the Park District's matching contribution for this Clean Ohio application. The appraisal value of the OFES is \$167,370.00 and HCPD has contractual commitments with the owner to sell for \$148,155.00. The HCPD proposes to use \$19,215.00 of this difference as a donation value. The HCPD will contribute the balance of the local matching funds.

Below is a breakdown of the differential in appraisal verses purchase price dollars:

Property Acreage	Acreage	Appraised Value	Appraised Total	Actual Costs (per acre)	Purchase Price	Differential in Cost
Northern Tract	14.8291	\$7,500 per acre	\$111,218	\$7,500 (per acre)	\$111,218	\$0.00
River area	7.9848	\$2,500 per acre	\$19,962	\$1,000 (per acre)	\$ 7,985	- \$11,977
Southern Tract	14.4762	\$2,500 per acre	\$36,190	\$2,000 (per acre)	\$ 28,952	- \$ 7,238
<b>Total</b>	<b>37.3</b>		<b>\$167,370</b>		<b>148,155</b>	<b>\$19,215</b>

The property is located on either side of the Great Miami River. The northern section of the property is currently being farmed almost to the edge of the river, with a small riparian buffer of approximately 10 feet which contains primarily invasive plants. The southern portion of the property is populated with native woodland plants and will be preserved and maintained by the HCPD.

Approximately 12 acres of land is currently being farmed on this site. This activity will cease upon purchase by the HCPD and will be restored to a natural wooded forest by the HCPD using native seeds harvested in Ohio. There are some invasive species, such as Johnson Grass and Poison Hemlock, on two portions of the property and these areas will be targeted by the land management team during the HCPD's annual invasive plant control program. When the plants have matured, the entire site will be forested. (See Exhibit 3 for Habitat and Reforestation Plan).



*Existing farm field looking west. The Great Miami River is to the left of this picture.*

Below is a breakdown of the reforestation costs associated with this application.

Tree Seed, 7 species (hard mast)	\$4,000.00
Tree/Shrub Seed, 10 species (soft mast)	\$1,900.00
Herbicide, \$300 X 5 applications =	\$1,500.00
Herbicide application labor \$27.00/acre X 5 X 11.5ac.=	\$1,552.50
Discing \$20.00/acre X 11.5ac. =	\$ 230.00
Planting \$16.00/acre X 2 X 11.5ac. =	\$ 368.00
Cultipacking \$19.00/acre X 2 X 11.5ac. =	\$ 437.00

<b>Total</b>	<b>\$9,987.50</b>
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The OFES is an important in-holding within the Oxbow Floodplain area and is one of the remaining sites along this section of the Great Miami River that requires protection. See Appendix A for the Oxbow Inc.'s Property Acquisition Map. The HCPD and the Oxbow Inc. own conservation easements on the surrounding properties within this floodplain at the mouth of the Great Miami River. This acquisition would further expand protected open space in the floodplain area. See Exhibit 4 – USGS Map.

The site is located within the Great Miami River Watershed and the Great Miami Aquifer. The Oxbow floodplain provides needed rest and forage for thousands of waterfowl and shorebirds each spring and fall during migration, some of which are state and federally endangered. This is discussed in more detail in the Natural Resource Viability section on page 14. Early Native American cultures also relied on the area's rich diversity of plants and animals, which are still present, for food and shelter.

Acquiring and restoring this site would help preserve wildlife in the Oxbow floodplain area. By protecting this land, it also preserves the valuable natural heritage of the area and larger region. Floodplain environments are needed for the health and vitality of the indigenous plants and wildlife in this area.

### **C. Project Emphasis**

#### **OPEN SPACE**

##### **Woodland Habitat**

- X 1. Reduces or eliminates nonnative, invasive species of plants or animals**
- X 2. Preserves or increases high quality, viable habitat for plant or animal species, including native species.**

The HCPD has identified some invasive plants, including Amur Honeysuckle, Johnson Grass and Poison Sumac on the southern portion of the site and will target this area for removal during their annual invasive removal schedule.

In addition to removing invasives, the HCPD will seed the existing farmland with a native forest seed mix. By seeding this native environment in this floodplain, the site will be restored more quickly to a natural area. This new vegetation will provide a healthier environment for the resident wildlife, as well as migrating waterfowl and shorebirds that rely on this Oxbow Floodplain area as a resting place.

- X 3. Preserves or restores other natural features that contribute to quality of life and state's natural heritage.**

This area is visited by many birders and hikers who view wildlife and native plants in their unique environment. By having this ecosystem in the Cincinnati region, it adds a great deal to the quality of life and the state's natural heritage. By restoring this environment, it will enhance what is already present in this

sensitive area. By taking this land out of agricultural use, it will strengthen the overall habitat.

**X 4. Incorporates aesthetically pleasing and ecologically informed design including sensitivity to the terrain, natural resources and heritage of the property.**

The creation of the proposed reforestation is a sensitive design for this valuable natural resource as well as preserving the valuable heritage that the Oxbow and its surrounding floodplain provide to the region. The reforestation that is being planned for this site will include native tree and shrub species that would normally grow in areas like this site and will contribute to an Oxbow ecosystem. When the seeds establish themselves, other herbaceous plants will introduce themselves, further increasing the bio-diversity of this site.

**X 6. Includes linkages to other parks, openspace/greenspace preserves.**

Currently, the majority of land surrounding this property is already owned as fee simple or as a conservation easement by the HCPD and the Oxbow, Inc.. The purchase of this property links it to the surrounding Oxbow floodplain properties creating a complete connection in this portion of the floodplain. Currently, this is the only property in this area that is not under protection.

**X 7. Supports openspace/greenspace planning and preserves lands as recommended within previously identified planning or natural resources management documents.**

Combined, the HCPD and Oxbow Inc. own in fee or conservation easements over 2,650 acres of Oxbow area in Hamilton County and Dearborn County. The two organizations are committed to preserving this valuable resource for the enjoyment of the community. Currently, Oxbow Inc. has protected approximately 1,000 acres near the mouth of the Great Miami River.

**X 8. Provides access to natural areas that result in recreational, economic or aesthetic preservation benefits.**

The HCPD's proposal to acquire and restore these properties will strengthen this portion of Hamilton County as an economic and environmental success story. The Oxbow represents a balance between income producing agriculture and protection of significant environmental assets. Restoration plans for this site will ensure the area's aesthetic preservation and continued use as wildlife habitat. Farming on the OFES site will cease upon purchase and will be restored as natural area.

This purchase will add acreage that will be protected as greenspace. This has numerous benefits. First, flood control is reduced due to the preservation of floodplain as it serves as an area to catch floodwater. By preserving these sites, it reduces clean-up cost and property loss. Storm water infrastructure costs are also reduced because the water is naturally absorbed and additional storm water infrastructure is not needed.

Water quality on the site is also improved through proper stewardship of the site, which enhances recreation experiences and reduces water purification costs.



**X 9. Enhances economic development that relies on recreation and ecotourism in areas of relatively high unemployment.**

Recreational opportunities are also made available to groups, such as bird watchers. There are presently many organized and unorganized groups that use the Oxbow and its floodplain for bird watching. Research shows that avitourism is a popular activity in this country and that the average bird watcher spends more than \$350 annually on travel and related birdwatching paraphernalia, (Wiedner and Kerlinger, 1990). See Appendix B for a more complete list of economic benefits from bird watching.

**RIPARIAN CORRIDOR**

**X 12. Preserves or restores functioning floodplains, including groundwater recharge areas.**

**X 13. Preserves or restores water quality and/or aquatic biological communities.**

**X 14. Preserves or restores natural stream channels.**

**X 15. Preserves or restores streamside forest, native vegetation or adjacent habitat.**

**X 16. Preserves existing high quality wetlands or restores wetlands.**

**X 17. Preserves acquisition of riparian corridors, watersheds, forested hillsides or greenspace linkages.**

**X 18. Plants vegetation or reforests lands for filtration to improve water quality, or to control stormwater runoff.**

The OFES lies entirely within the Oxbow floodplain and generally floods at least once a year for brief periods of time. The farm use on the site and the frequent flooding increases the probability of soil erosion. This erosion is harmful to the health of the Great Miami River. The restoration on the site performed by the HCPD and the restoration of the agriculture land will significantly improve biodiversity, reduce erosion and will help the site filtrate and purify water more efficiently in this functioning floodplain.

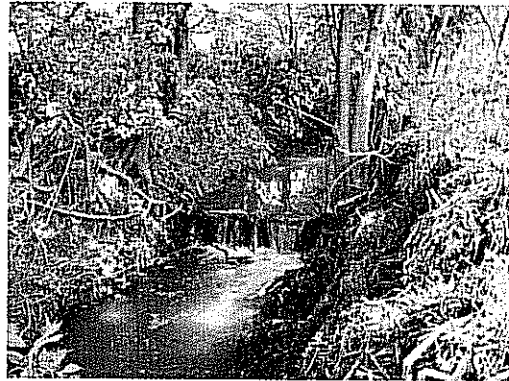
The site in this application is located within a floodplain/wetland environment that provides habitat to wetland specific plants and animals. By preserving this site it will further protect this delicate environment which serves as a habitat for many endangered and rare bird species.

The most recent water analysis performed by the Ohio Environmental Protection Agency occurred in 1995. In their report entitled "Biological and Water Quality Study of the Middle and Lower Great Miami River and Selected Tributaries, Volume 1" the Great Miami River along the OFES site was classified as a warm water habitat. This classification is defined as the typical warm water assemblages of aquatic organisms for Ohio rivers and streams. This use represents the principal restoration target for the majority of water resource

management efforts in Ohio. See Appendix C for a water quality breakdown of this portion of the Whitewater River.

The Oxbow Floodplain properties as a group, preserve an aquatic biological community. The above study stated that the portion of the Great Miami River serves as a habitat for two Special Interest species which include the Slenderhead Darter and the Mooneye. Beyond this significance, the sites are a piece of a larger interrelated floodplain/wetland system that is critical to the preservation of countless other fish, amphibians and other aquatic species. See Appendix D for a complete list of fish species found in the site's vicinity.

Double Lick Creek, located on the northern portion of the property, will also benefit from this reforestation on the site by providing more vegetation in the corridor and helping to stabilize the steep banks along the creek by new vegetation.



*Looking north at Double Lick Creek illustrated the steep slopes along the stream.*

Currently, the Double Lick Creek has a limited area of riparian corridor, much of which is invasive plants. This corridor will be enhanced by the HCPD during the

restoration process significantly improving it's habitat. The wooded, southern portion of the site contains a high quality, naturally occurring wetland habitat. The site contains the appropriate hydrologic conditions, hydric soils and a wide variety of hydrophytic plants species, such as Smart Weed and Arrowhead. This wetland habitat will be preserved by the HCPD.

The OFES has an existing riparian corridor which is approximately 10 feet wide. The HCPD will plant tree species along the immediate riparian corridor and will seed the remaining portion after purchase of the property allowing the entire site to become forested. Adjacent properties with conservation easements currently have riparian corridor of 150' or wider.

By allowing this buffer to occur, it will increase the availability of this native habitat along the Great Miami River for wildlife. It will additionally prevent stormwater erosion runoff into the river and improve water quality.

#### **D. Define Terms of Easement**

##### **"Jansen Property - DECLARATION OF RESTRICTIONS**

*This Declaration of Restrictions is made on this day of transfer and has been inserted into this deed at the request of Hamilton County Park District (the "Grantee") with the intention to restrict future use of the property being conveyed by this deed.*

*Recitals:*

*A. Grantor owns certain property located in Hamilton, County, Ohio as more particularly described elsewhere in this deed (the "Property").*

*B. Hamilton County Park District applied for and has received a grant from the State of Ohio, acting by and through the Director of the Ohio Public Works Commission ("OPWC"), pursuant to Ohio Revised Code §164.20 et seq. (the "Grant"). In connection with Hamilton County Park District's application for the Grant, Hamilton County Park District proposed to use the Grant funds either for open space acquisition and related development or to protect and enhance riparian corridors, as set forth more specifically in its application.*

*C. As a condition to Hamilton County Park District's receipt of the Grant, Hamilton County Park District has agreed to restrict the use of the Property as set forth in this Declaration, with the intent that such restrictions run with the land.*

*NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor restricts Hamilton County Park District and its successors and assigns as owners of the Property, as follows:*

*§1. Use and Development Restrictions - Hamilton County Park District, for itself and its successors and assigns as owners of the Property, understand that the Property shall be subject to the following: Hamilton County Park District agrees to perpetually keep the Property in greenspace for the protection of hillside and forest areas included herein. Potential development of the Property will be for providing appropriate access for outdoor recreation and will be limited to improvements that do not harm said areas and will be planned, implemented and managed following best management practices.*

*§2. Perpetual Restrictions . The restrictions set forth in this Declaration shall be perpetual and shall run with the land for the benefit of, and shall be enforceable by, OPWC. This Declaration and the covenants and restrictions set forth herein shall not be amended, released, extinguished or otherwise modified without the prior written consent of OPWC, which consent may be withheld in its sole and absolute discretion.*

*§3. Enforcement. If Hamilton County Park District, or its successors or assigns as owner of the Property, should fail to observe the covenants and restrictions set forth herein, the Grantee or its successors or assigns, as the case may be, shall pay to OPWC upon demand, as liquidated damages, an amount equal to the greater of (a) two hundred percent (200%) of the amount of the Grant received.*

*§4. Restriction on Transfer of the Property. Hamilton County Park District acknowledges that the Grant is specific to Hamilton County Park District and that OPWC's approval of Hamilton County Park District's application for the Grant was made in reliance on Hamilton County Park District's continued ownership and control of the Property. Accordingly, Grantee*

*shall not voluntarily or involuntarily sell, assign, transfer, lease, exchange, convey or otherwise encumber the Property without the prior written consent of OPWC, which consent may be withheld in its sole and absolute discretion.*

*§5. Separability. Each provision of this Declaration and the application thereof to the Property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to be unenforceable or not to run with the land, such holding shall not affect the validity or enforceability of the remainder of this Declaration.*

*§6. Notices. Notices or other communication hereunder shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company, or personal delivery. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party may change from time to time their respective address for notice hereunder by like notice to the other party. The notice addresses of the parties are as follows:*

*Hamilton County Park District 10245 Winton Road, Cincinnati, Oh. 45231*

*OPWC: Ohio Public Works Commission 65 East State Street Suite 312  
Columbus, Ohio 43215 Attn: Director*

*§7. Governing Law. This Declaration shall be governed by, and construed in accordance with the laws of the State of Ohio.*

*IN WITNESS WHEREOF, the Grantor has caused this Declaration of Restrictions to be included as a part of the deed transferring title to the property to Hamilton County Park District..*

## **E. Extent of public access once project is completed.**

The OFES site will be open to the public daily from dawn to dusk, however to preserve the lands delicate ecological balance, visitor's would be advised to contact the HCPD rangers before their visit so the HCPD can manage the number of people on site at one time. The Oxbow Floodplain sites can be accessed via U.S. 50.

## **2.2 Ownership/Management/Operation**

### Ownership

The HCPD will purchase the OFES property through fee simple purchase. Oxbow, Inc. will also be contributing \$1,000 towards the purchase of this property.

### Management

The HCPD will manage the sites as conservation of natural resource purposes with the possibility of limited passive recreation activities such as low impact nature trails, wildlife, bird viewing and nature education programming.

### Maintenance/Operations

The property will be maintained by standard land management and operational practices implemented by the Hamilton County Park District staff. The HCPD is an experienced and successful steward of land and is currently responsible for successfully maintaining and operating 12,500 acres of the park's natural area. The overall park acreage is 15,600. The HCPD is prepared to start maintenance of this property immediately and has the appropriate equipment to do so.

### Similar Experience

Below are five examples of previous fee simple land acquisitions which were similar to the OFES. In addition to this the HCPD has successfully completed over 80 fee simple land acquisitions in the past 10 years.

Previous similar Fee Simple Acquisitions – All the below projects were Clean Ohio projects which were similar to this application.

- Beckmeyer, 136 acres
- Campbell, 183 acres
- Whitewater  
Riparian Corridor, 64 acres
- Jansen, Fulton, 41 acres
- Jackson, 74 acres

- 2.3 Purchase Contract:** The HCPD has signed an option agreement with the owner agreeing to sell the OFES to the HCPD for the agreed upon amount in this document. The HCPD is prepared to immediately move forward with the purchase once a contract with OPWC is executed.

### Part III. Compliance with State Criteria

1. Percentage of Clean Ohio matching funds necessary to complete project

☐ 75% ☐ 74 - 70% ☒ 69 - 65% ☐ 64 - 60% ☐ <60%

The HCPD is requesting 69% of Clean Ohio Funding for the 2006 Funding year.

2. Level of collaborative participation: Participation means active involvement through in-kind services or funding.

☐ local political subdivisions ☒ State agencies ☐ federal agencies

☒ community organizations ☒ conservation organizations

☐ local business groups

Oxbow, Inc. has agreed to partner with the HCPD on this project to acquire the OFES property. They will be contribution \$1,000 to the purchase of this property.

3. OPWC Districts

☐ Joint project in more than one district

☐ Joint project in this district

☐ Carries out an adopted community, watershed or other plan overlapping another district

4. Community benefits: Relative economic, social and recreational benefits

☒ economic benefits

☒ social/recreational

#### Economic Benefits

Research has shown that the acquisition of open space in highly developed areas will reduce infrastructure costs, decrease health related costs and increase property values. Open space and trees will reduce storm water management and water quality management cost by the open land absorbing much of the runoff caused by development. It also allows the water more time to filtrate through the greenspace to improve its water quality. The presence of preserved trees on site also creates a process called transpiration which helps to purify air quality in a county, which currently is in noncompliance with the Environmental Protection Agency. This process would help reduce air quality related health costs, such as treatment for

lung cancer, asthma and other respiratory diseases that are common in Hamilton County.

#### Social/Recreational Benefits

The approval of this application will enable the Park District to acquire a significant in- holding of the Oxbow floodplain. In addition to becoming a vital habitat, the site will preserve cultural heritage related to Native Americans and is a component of a significant recreation resource. This aquatic ecosystem provides an opportunity for residents to experience firsthand the benefits of this natural area. This site will also increase the area that can be accessed by the already established birding community and canoeist in this region.

Points 5 – 7 are addressed previously in this application. See Above.

## Part IV. Compliance with Hamilton County Priorities

### 1. Community Planning –

The Oxbow Floodplain tract is a part of the 2002 HCPD Open Space Acquisition Plan. Acquiring this property will preserve an environmentally sensitive site and purchase a significant in-holding. The HCPD currently owns a conservation easement on the majority of farmed properties north of this property.

In addition to the HCPD open space plan, the Oxbow Inc. endorses the purchase of this property. Oxbow Inc. is a non profit organization that dedicates itself to the preservation of the oxbow area and has purchased over 1,000 acres of the Oxbow in Indiana. This property is included in the Oxbow, Inc.'s overall acquisition plan for the Oxbow and its surrounding floodplain buffer. Oxbow is also partnering with the HCPD by contributing to the purchase of this property.

In November of 2002, the HCPD developed an open space acquisition plan to further the Park District's mission statement. One of the Park District's primary goals is to acquire land in Hamilton County which will be preserved for future generations. The Great Miami River riparian areas are a component of that plan and were targeted due to location in the floodplain and connectivity to other protected land. The acquisition of this property will continue to expand the protected Oxbow Floodplain area and improve the health of the Great Miami River riparian environment.

The HCPD's priority to preserve greenspaces in this county is reflected in the Hamilton County Planning Commission's Community Compass Report No. 16-6 "State of the county Report: Environment. It states that "Whereas past conservation efforts often focused on protecting individual pieces of land, emphasis is now being placed on the need to provide for green infrastructure. Green infrastructure provides a framework for creating an interconnected network of natural streams, conservation lands, working landscapes and other green spaces that support native species, maintain natural ecological processes, sustain air and water resources, and contribute to the health and quality of life for American's communities and people".

This acquisition will also comply with the EPA mandated and approved **Storm Water Management Program** prepared by HCPD.

In March 2003, HCPD completed this mandated program to outline HCPD stewardship practices utilized on all existing and newly acquired greenspaces. This program was approved by the OEPA in 2003 and presented the Park District with a five-year permit giving approval for projects occurring during that time. In return, the HCPD is required by law to implement all stewardship



and development guidelines as set forth in HCPD's Storm Water Management Program to ensure the greenspaces are managed per the OEPA's standards.

This program outlines some major components that are a part of HCPD stewardship practices. They include: preserving of open space; performing environmental assessments on potential acquisitions, reducing impervious surfaces on the site, and reforesting these lands.

Although the Park District officially began this program in 2003, it has been utilizing many of the practices long before this time. The Park District has been increasing acreage of protected greenspace for many years. In 1985, the Hamilton County Park District embarked on a program of identifying and removing paved surfaces, where possible. Since the beginning of this effort, approximately fifteen (15) acres of pavement have been removed.

The Park District also makes it a practice to remove buildings acquired with new properties unless they can be fitted to public use. Over the past twenty-five years, the Hamilton County Park District has removed eighty-six (86) structures.

Since the mid 1970's the Hamilton County Park District has been reducing the amount of park areas regularly mowed to create more buffer and wildlife habitat. In 1991, the Park District began a program to convert cultivated cropland into natural areas. In the past decade, approximately 150 acres of farmland have been converted into wetlands and more than 300 acres converted to prairie or meadow habitat. In all cases, native plant species were used. These plants were collected within a 150-mile radius of Hamilton County or raised in the Park District's native seed nursery. The use of native species improves the chance of plant survival. The use of prairie species has the additional benefit of a deep root system that maximizes soil retention and evapotranspiration thus reducing runoff. There are approximately 200 acres of farmland that the Park District plans to convert, mostly to prairie, during the next ten years.

The purchase of this property is consistent with the vision of the Oxbow, Inc. Below is their vision statement for their organization.

**Function: Preserve, protect, and improve the flood plain wetland at the mouth of the Great Miami River** -- This is an active process that requires land acquisition, land management, and dedication to constant diligence in this stewardship

**Highest priority to the preservation of the migratory stop over and resting area** -- The Oxbow is a flood plain wetland with several permanent lakes, ponds and marsh areas. The main purpose for the existence of Oxbow, Inc. is to preserve the area as a wetland functioning as a major migratory stopover for a large variety of migratory birds,

particularly waterfowl and shorebirds, and as a resting/roosting area for a wide variety of waterfowl and wading birds during the summer and fall months. In winter, the area serves as a hunting ground for raptors and a resting area for wintering waterfowl.

**Active land management is required to preserve the Oxbow Area --** In order to preserve the function of the Oxbow the land must be actively managed. Land management tools such as agriculture, limited burns, control of noxious plants and destructive wildlife may be necessary to preserve the function of the Oxbow area.

**Multiple uses can coexist within the nature conservancy --** Fishing, hunting, birding, and other activities associated with the enjoyment of nature can coexist in the Oxbow area. Not all uses can be accommodated in every area but through creative management the Oxbow can support a variety of uses while maintaining its main function as a wetland preservation and wildlife conservation area.

**Accessibility to all encourages ownership and participation --** Members, sponsors, visitors and others dedicated to protection of the environment need to feel close to the Oxbow and to be able to view and participate in the experience provided by interactions with the Oxbow area. Persons with limited mobility should also have the opportunity enjoy the Oxbow experience.

**The Oxbow is a source of knowledge --** The Oxbow is a classroom for teaching all generations about ecology and the close interaction between wildlife and their habitats. Educational activities for children and adults will bring knowledge to new generations that they may also be encouraged to preserve the natural world. It serves as a model of how a group of dedicated individuals can have a significant impact on the environment by working together with farmers, land owners, businesses, local and state governments, regulatory agencies, and other environmental organizations (both profit and non-profit) to achieve a success.

## **2. Natural Resource Viability: How important is the project to the viability of the natural resources affected by the project.**

### ***Protects a federally listed endangered species or biological community***

This property provides land which serves as a winter bird migration path and creates needed habitat for their feeding. Numerous bald eagles have been documented on this site in past years, as well as the area in general. The environment of this site is also suitable for the Indiana Bat which has been seen in the county. See Appendix E for a complete list of documented birds within the Oxbow area.

***Protects 1-5 State Natural heritage Inventory (NHI) ranked rare species***

The site provides a needed habitat for numerous state endangered bird species which are noted in Section C of this application. The OFES's healthy riparian corridor on the southern side of the river and its location within the Oxbow floodplain serves as an ideal feeding habitat, spring and fall migration stop for birds, breeding area, and in some cases nesting area for numerous rare and endangered species. The riparian corridor on the site maintains a rich mix of native woodland including mature Sycamore, Silver Maple, Black Willow and Cottonwood trees and native wildflowers. This natural area provides habitat for a wide variety of wildlife in the area.



***Looking south from the agricultural fields show the forested area on the site.***

The Oxbow Inc. organization describes this resource as follows "This traditional agricultural use is vitally important to migrating birds. In the spring and fall thousands of ducks, geese, and shorebirds funnel into this rich feeding and nesting area. Grain dropped by corn pickers and combines provides much of the food for visiting waterfowl. The Oxbow is a heavily-used staging area where migrating birds refuel and rebuild their energies. The area is essential to their success on long flights between distant northern breeding grounds and southern wintering areas. Without the Oxbow these migrants might reach their northern nesting areas without the reserve strength essential to raising new broods of healthy young birds.

The Oxbow is the most important wetland area in the mid-section of the Ohio Valley, drawing the tri-state area's largest concentrations of ducks and herons. Birders have listed 270 species of birds on this area, among them ducks, geese, shorebirds, raptors, and songbirds. Sixty-six species of fish flourish here. See Appendix D for a list of resident fish in this portion of the Whitewater River. A 2000 survey by board member and botanist, Dr. Denis Conover, listed 422 vascular plants in the Oxbow protected area."

This proposed project includes one property totaling approximately 37 acres. It is a significant component of a unique environment which is crucial to the health and vitality of the region's Federally and State Endangered species. The Federally Endangered Bald Eagle has been documented in this Oxbow area numerous times in the past three to four years and provides vital habitat for its survival during migration. It is anticipated by environmental specialists that as the Bald Eagle population increases, more suitable land will be needed for them to thrive. By increasing the preserved property in the Oxbow area it will continue

to provide the Bald Eagle and other migrating birds nesting and resting areas, thus making their recovery successful. The OFES is typical of one of these environments. The OFES also has the needed habitat and is within the maternity range for the Federally endangered Indiana Bat. The nearby Fernald property in Ross, Ohio recently trapped an Indiana Bat in a similar habitat indicating they are in the area. The OFES also provides a rich habitat suitable for many of Ohio's State Endangered species. The following State endangered bird species have been documented on and around the OFES and are native to this particular habitat. They include:

American bittern, *Botaurus lentiginosus*  
Bald eagle, *Haliaeetus leucocephalus*  
Northern harrier, *Circus cyaneus*  
Peregrine falcon, *Falco peregrinus*  
King rail, *Rallus elegans*  
Sandhill crane, *Grus canadensis*  
Common tern, *Sterna hirundo*  
Black tern, *Chlidonias niger*  
Yellow-bellied sapsucker, *Sphyrapicus varius*  
Loggerhead shrike, *Lanius ludovicianus*  
Golden-winged warbler, *Vermivora chrysoptera*  
Kirtland's warbler, *Dendroica kirtlandii*  
Lark sparrow, *Chondestes grammacus*  
Osprey, *Pandion haliaetus*  
Snowy egret, *Egretta thula*  
Cattle egret, *Bubulcus ibis*



***The Oxbow Floodplain is used as a feeding and nesting area by the Bald Eagle.***

See Appendix E for a full list of birds of the Oxbow that rely on this habitat for their survival.

Rare species such as the Smooth Soft-Shell Turtle are also present on the site. To gain a better idea of other plant and animal species that are present on the site, an investigation will be completed by staff through a vascular plant study and covermapping of the site. It is anticipated that many plant species would also benefit by the protection of this greenspace.

While the existing farming use attracts and feeds some wildlife species, much more can be done to promote biodiversity by restoring the farmland to natural areas and to allow the riparian corridor to widen. To improve the OFES habitat within the surrounding farmed area, the HCPD will implement a restoration plan for the site. A riparian buffer, approximately 150' in width, would be reforested by HCPD staff and the remaining farmland on the northern portion of the site would be allowed to revert back to forest.

**3. Project preserves or naturally restores steep hillsides with slopes greater than 20%:**

The majority of the site is relatively flat, however, the river bank areas are significantly steeper than 20% and will be protected by the HCPD. The planting of a larger riparian corridor will help to stabilize these banks and help to reduce siltation into the river caused by erosion.

**4. Preserves or enhances undeveloped lands along viewsheds of major highway**

This property is visible from I-275 and Lawrenceburg Road. The preservation of this property will add to the aesthetic quality of the viewshed along these corridors.

**5. Protection of highly erodible lands:**

The OFES site consists of one soil classification; Jules silt loam, Ju.

Ju classification ranges from 0% to 2% in slope with well drained soils located on floodplains. Flooding can occur in this soil type at any time of the year, but generally floods in spring. All of these flood events are generally brief in nature. The Ju classification is generally found in areas ranging in size from 10 to 2,500 acres.

Permeability is moderate to moderately rapid in this classification. It is suitable for crop lands, but is also well suited to trees and to habitat for openland and woodland wildlife which is consistent with the HCPD's plans to create a wet prairie and to restore the depleted riparian corridor. See Soil Survey map (Exhibit 5).

**6. Readiness to proceed:** The HCPD has secured all the needed documents and has completed negotiations with the owner of the OFES. HCPD is ready to proceed immediately upon notice of acceptance of Clean Ohio Conservation funding.

### 3.0 PROJECT SCHEDULE:\*

		BEGIN DATE	END DATE
3.1	Planning and Implementation:	<u>  /  /  </u>	<u>  /  /  </u>
3.2	Land Acquisition/Easements:	<u>7/ 14 /06</u>	<u>7/14/07</u>
3.3	Reforestation :	<u>1 /1 /08</u>	<u>05/30/08</u>

\* Failure to meet project schedule may result in termination of agreement for approved projects. Modification of dates must be requested in writing by a project official of record and approved by the commission once the Project Agreement has been executed.

### 4.0 PROJECT OFFICIALS:

4.1	CHIEF EXECUTIVE OFFICER	Jack Sutton
	TITLE	Director
	STREET	10245 Winton Road
	CITY/ZIP	Cincinnati, OH 45231
	PHONE	(513) 521-7275
	FAX	(513) 521-2606
	E-MAIL	jsutton@greatparks.org
4.2	CHIEF FINANCIAL OFFICER	Don Rudler
	TITLE	Treasurer
	STREET	10245 Winton Road
	CITY/ZIP	Cincinnati, OH 45231
	PHONE	(513) 521-7275
	FAX	(513) 521-2606
	E-MAIL	drudler@greatparks.org
4.3	PROJECT MANAGER	Ross Hamre
	TITLE	Planning Director
	STREET	10245 Winton Road
	CITY/ZIP	Cincinnati, OH 45231
	PHONE	(513) 728-3551, ext. 256
	FAX	(513) 521-2896
	E-MAIL	rhamre@greatparks.org

Changes in Project Officials must be submitted in writing from the CEO or CFO.

## 5.0 ATTACHMENTS/COMPLETENESS REVIEW:

In order that your application may be processed in a timely fashion, please submit your application on 8 ½ by 11 white paper with dark ink so that it may be copied for others. It is understood that some items may not conform to this request such as large maps and photographs. Please feel free to include these items.

Confirm in the blocks [ ] below that each item listed is attached.

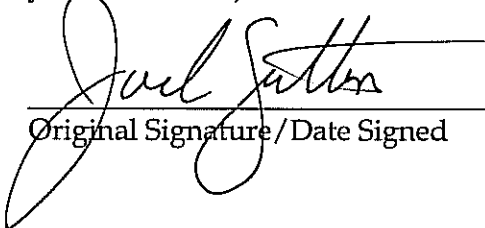
- ☒ [ X ] A certified copy of the authorization by the governing body of the applicant authorizing a designated official to sign and submit this application and execute contracts. This individual should sign under 6.0, Applicant Certification, below.
- ☒ [ X ] A certification signed by the applicant's chief financial officer stating all local share funds required for the project will be available on or before the dates listed in the Project Schedule section.
- ☒ [ X ] A formal detailed estimate of the project's costs provided by an architect, landscape architect, or other professional. For land acquisition, an appraisal by a State-certified general real estate appraiser, as defined under ORC 4763 for the type of land being appraised will need to be submitted to the NRAC prior to closing.
- ☒ [ X ] A cooperation agreement (if the project involves more than one entity) which identifies the fiscal and administrative responsibilities of each participant.
- ☐ [ ] Resolution of Support (Please refer to section 164.23(B)(1) of the Ohio Revised Code for guidance.)
- ☒ [ X ] Identification of any participation by state agencies that will provide to this particular project and that will provide assistance with respect to the project.
- ☐ [ ] Information concerning the coordination of the project among local political subdivisions, state agencies, federal agencies, community organizations, conservation organizations, and local business groups.
- ☒ [ X ] Supporting Documentation: Materials such as additional project description, photographs, and/or other information to assist your NRAC in ranking your project. Be sure to include supplements which may be required by your *local* NRAC.
- ☒ [ X ] Have you reviewed your NRAC's methodology to see that you have addressed all components?

## 6.0 APPLICANT CERTIFICATION:

The undersigned certifies: (1) he/she is legally authorized to request and accept financial assistance from the Ohio Public Works Commission; (2) to the best of his/her knowledge and belief, all representations that are part of this application are true and correct; (3) all official documents and commitments of the applicant that are part of this application have been duly authorized by the governing body of the applicant; and, (4) should the requested financial assistance be provided, that in the execution of this project, the applicant will comply with all assurances required by Ohio Law, including those involving Buy Ohio and prevailing wages.

Applicant certifies that the project, as defined in the application, has NOT resulted in any transfer of title or rights to land or begun any type of physical improvements prior to the execution of a Project Agreement with the Ohio Public Works Commission. Action to the contrary will result in termination of the agreement and withdrawal of Ohio Public Works Commission funding.

JACK SUTTON, Director



7/14/06

Original Signature/Date Signed

## ATTACHMENT A

### PROJECT EMPHASIS (Oxbow Floodplain Expansion Project)

NOTE: IF THE PROJECT HAS MORE THAN ONE EMPHASIS, PLEASE PLACE A "1" IN THE CATEGORY THAT IS THE PRIMARY EMPHASIS, A "2" IN THE CATEGORY WITH SECONDARY EMPHASIS, AND A "3" IN THE CATEGORY WITH THIRD EMPHASIS.

#### OPEN SPACE

- 3   1. Protects habitat for rare, threatened and endangered species
- \*   2. Increases habitat protection
- \*   3. Reduces or eliminates nonnative, invasive species of plants or animals
- \*   4. Preserves high quality, viable habitat for plant and animal species
- \*   5. Restores and preserves aquatic biological communities
- 6. Preserves headwater streams
- 2   7. Preserves or restores flood plain and stream side forest functions
- \*   8. Preserves or restores water quality
- \*   9. Preserves or restores natural stream channels
- 1   10. Preserves or restores functioning flood plains
- \*   11. Preserves or restores wetlands
- \*   12. Preserves or restores stream side forests
- \*   13. Preserves or restores other natural features that contribute to quality of life and state's natural heritage

#### RIPARIAN CORRIDOR

- \*   14. Fee simple acquisition of lands to provide access to riparian corridors or watersheds.
- 15. Acquisition of easements for protecting and enhancing riparian corridors or watersheds
- \*   16. Reforestation of land
- \*   17. Planting vegetation for filtration
- \*   18. Incorporates aesthetically pleasing and ecologically informed design
- 19. Enhances educational opportunities and provides physical links to schools and after school centers
- \*   20. Acquisition of connecting corridors
- \*   21. Supports comprehensive open space planning
- \*   22. Provides multiple recreational, economic and aesthetic preservation benefits
- 23. Allows proper management of areas where safe hunting and trapping may take place in a manner that will preserve balanced natural ecosystems.
- \*   24. Enhances economic development that relies on recreational and ecotourism in areas of relatively high unemployment and lower incomes

One (1) through three (3) indicate the project's primary components. Asterisks (\*) indicate strong elements involved within this project.



**BOARD OF PARK COMMISSIONERS  
HAMILTON COUNTY PARK DISTRICT**

June 15, 2006

RESOLUTION NO. 2596

**CLEAN OHIO CONSERVATION PROGRAM**

WHEREAS, the Board of Park Commissioners of the Hamilton County Park District, desires financial assistance under the Clean Ohio Conservation Program Funds, administered by the Ohio Public Works Commission.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Park Commissioners of the Hamilton County Park District, as follows:

1. That the Board of Park Commissioners of the Hamilton County Park District hereby approves filing of applications for the Clean Ohio Conservation Program Funds.
2. That Jack Sutton, Director, is hereby authorized and directed to execute and file applications with the Ohio Public Works Commission, to enter into any agreements as may be appropriate and necessary for obtaining this financial assistance, and to provide all information and documentation required in said application for submission to the Ohio Public Works Commission.
3. THAT THE BOARD OF PARK COMMISSIONERS OF THE HAMILTON COUNTY PARK DISTRICT hereby does agree to obligate the funds required to satisfactorily complete the proposed projects and thus become eligible for Clean Ohio Conservation Program financial aid up to 75% of the total project costs.


BOARD OF PARK COMMISSIONERS  
HAMILTON COUNTY PARK DISTRICT



## CHIEF FINANCIAL OFFICER'S CERTIFICATION OF LOCAL FUNDS

July 14, 2006

I, Don Rudler, Treasurer of the Hamilton County Park District, hereby certify that the Hamilton County Park District has the amount of \$35,525.00 in the Land Acquisition Fund and that this amount will be used to pay the applicant revenues for the Oxbow Floodplain Expansion Site.

A handwritten signature in cursive script, appearing to read 'Don Rudler', is written over a horizontal line.

Don Rudler, Treasurer

# CHIEF FINANCIAL OFFICER'S CERTIFICATION OF LOCAL FUNDS

July 14, 2006

I, Jim Poehlmann, Treasurer of Oxbow, Inc, hereby certify that Oxbow, Inc has the amount of \$1,000.00 in the budget and that this amount will be used to pay a portion of the applicant revenues for the Oxbow Floodplain Expansion Site.

  
Jim Poehlmann, Treasurer

RECEIVED

JUL 10 2006

HAMILTON CO. PARK DISTRICT

# **Land Appraisal Report**

Option Agreement  
Jansen (Oxbow) Property  
37.2902 -Acres of Property  
July 11, 2006

This Option Agreement is by and between Mark Jansen, Trustee 5661 Alomar Dr. Cincinnati, Ohio 45238 ("SELLER") and the Board of Park Commissioners of the Hamilton County Park District or its' assigns ("BUYER/OPTIONEE").

WITNESSETH:

For and in consideration of the sum of a total of \$1000 per month with the first payment to be paid to SELLERS on or before July 11, 2006 upon SELLERS acceptance of this option contract for a 3-months period of time (OPTION FEES) to be paid by the BUYER/OPTIONEE, the receipt of which is hereby acknowledged, the SELLER hereby grants to the BUYER/OPTIONEE the exclusive right to purchase the following described real estate. Said real estate shall be held exclusively for the BUYER/OPTIONEE for the initial 3-month period of time and SELLER may at SELLER's option renew this Option Agreement for up to 1 additional two-month periods of time with the OPTION FEES payment of at the same rate per month as above. Said term commencing upon the date of the execution of this agreement by the SELLER ("OPTION FEES"),

1. PROPERTY DESCRIPTION: 37.2902 Acres, the real property shown on the Hamilton County Auditor's Map as Plat Book 630, Page 320, Parcel 1 (as shown on Attachment 1 map in yellow) including real estate on both sides of the river and under the river and on the legal description attached as prepared by BL Payne Surveying for the SELLER as ("REAL ESTATE").
2. PRICE AND TERMS: The execution by the BUYER/OPTIONEE of this Agreement shall constitute an offer to purchase the REAL ESTATE per the terms as stated in this Agreement and, SELLER shall sell the REAL ESTATE and the BUYER/OPTIONEE agrees to purchase the REAL ESTATE for **\$148,155.45** broken down as follows: (14.8291 acres @ \$7,500/acre for all properties north of the river in Whitewater Township) + (7.9848 acres @ \$1,000/acre for all properties under the river) + (14.4762 acres @ \$2,000/acre for all properties in Miami Township south of the river) (PURCHASE PRICE) with all OPTION FEES paid by BUYER being deducted at the closing.
3. OPTION FEES: If, during the OPTION PERIOD, BUYER/OPTIONEE exercises this Option Agreement the OPTION FEES are to be credited towards the PURCHASE PRICE. As a condition to this Agreement, BUYER/OPTIONEE intends to seek funding assistance through the Clean Ohio Conservation Program Fund as administered by the Ohio Public Works Commission for reimbursement of somewhere between 59-75% of the PURCHASE PRICE. If BUYER/OPTIONEE does not exercise the option, written notification will be made to the SELLER and SELLER will prorate/return to buyer any option fees paid beyond the date of the written notice based upon the \$1,000 per month amount.
4. OTHER CONTINGENCIES OR NOTES: The SELLER grants permission to BUYER/OPTIONEE the right to conduct any additional standard inspections that may be necessary including but not limited to environmental studies and test borings, if needed, and building inspections. BUYER/OPTIONEE reserves the right to have an Environmental Phase One Audit performed of the property and may have a Phase Two Audit performed as necessitated by the findings of the Phase One Audit. Such consent may not be unreasonably withheld by the SELLER. Any environmental problems found that cannot be resolved by SELLER within a 30-day period of time the exercise of this Option Agreement shall be considered good cause for termination of this Option Agreement with the refund of the OPTION FEES to the BUYER/OPTIONEE. BUYER shall be liable to the full extent of the law for

in the event that the BUYER is successful in their grant application, the deed shall contain the following additional restrictive language " Jansen Property -  
DECLARATION OF RESTRICTIONS:

*This Declaration of Restrictions is made on this day of transfer and has been inserted into this deed at the request of Hamilton County Park District (the "Grantee") with the intention to restrict future use of the property being conveyed by this deed.*

*Recitals:*

*A. Grantor owns certain property located in Hamilton, County, Ohio as more particularly described elsewhere in this deed (the "Property").*

*B. Hamilton County Park District applied for and has received a grant from the State of Ohio, acting by and through the Director of the Ohio Public Works Commission ("OPWC"), pursuant to Ohio Revised Code §164.20 et seq. (the "Grant"). In connection with Hamilton County Park District's application for the Grant, Hamilton County Park District proposed to use the Grant funds either for open space acquisition and related development or to protect and enhance riparian corridors, as set forth more specifically in its application.*

*C. As a condition to Hamilton County Park District's receipt of the Grant, Hamilton County Park District has agreed to restrict the use of the Property as set forth in this Declaration, with the intent that such restrictions run with the land.*

*NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Grantor restricts Hamilton County Park District and its successors and assigns as owners of the Property, as follows:*

*§1. Use and Development Restrictions - Hamilton County Park District, for itself and its successors and assigns as owners of the Property, understand that the Property shall be subject to the following: Hamilton County Park District agrees to perpetually keep the Property in greenspace for the protection of all floodplain, hillside and forest areas included herein. Potential development of the Property will be for providing appropriate access for outdoor recreation and will be limited to improvements that do not harm said areas and will be planned, implemented and managed following best management practices.*

*§2. Perpetual Restrictions. The restrictions set forth in this Declaration shall be perpetual and shall run with the land for the benefit of, and shall be enforceable by, OPWC. This Declaration and the covenants and restrictions set forth herein shall not be amended, released, extinguished or otherwise modified without the prior written consent of OPWC, which consent may be withheld in its sole and absolute discretion.*

*§3. Enforcement. If Hamilton County Park District, or its successors or assigns as owner of the Property, should fail to observe the covenants and restrictions set forth herein, the Grantee or its successors or assigns, as the case may be, shall pay to OPWC upon demand, as liquidated damages, an amount equal to the greater of (a) two hundred percent (200%) of the amount of the Grant received.*

*§4. Restriction on Transfer of the Property. Hamilton County Park District acknowledges that the Grant is specific to Hamilton County Park District and that OPWC's approval of Hamilton County Park District's application for the Grant was made in reliance on Hamilton County Park District's continued ownership and control of the Property. Accordingly, Grantee shall not voluntarily or involuntarily sell, assign, transfer, lease, exchange, convey or otherwise encumber the Property without the prior written consent of OPWC, which consent may be withheld in its sole and absolute discretion.*

*§5. Separability. Each provision of this Declaration and the application thereof to the Property are hereby declared to be independent of and severable from the remainder of this Declaration. If any provision contained herein shall be held to be invalid or to*

Revenue Code of 1986, as amended, Purchaser agrees to reasonably cooperate in such transaction upon Seller's request provided that (a) Seller will be liable to the full extent of the law for any of its employees who enter upon Seller's land for inspection purposes for any costs, claims, expenses, and liabilities (including attorney's fees) incurred by Purchaser solely as a result of structuring this transaction as a like-kind exchange, and (b) the exchange shall have no effect upon the terms of Purchaser's obligations as contemplated in this Agreement to Purchase Real Estate.

18. EXPIRATION AND APPROVAL: This AGREEMENT is null and void if not signed by the BUYER/OPTIONEE in writing on or before 5:00 o'clock (P.M.) CINCINNATI TIME, October 11, 2006. The SELLER has read, fully understands and approves the foregoing offer and acknowledges receipt of a signed copy.
19. ACTION BY SELLER: The undersigned SELLER has read and fully understands the foregoing option contract and accepts said offer and agrees to convey the REAL ESTATE according to the above terms and conditions on this, July 11, 2006:

WITNESS: 

SELLER: 

Mark Jansen, Trustee  
Alomar Dr.  
Cincinnati, Ohio 45238  
cell phone 265-8981  
fax 251-9454  
e-mail MHJansen@one.net

ACCEPTANCE by the BUYER: We hereby accept the above contract on this \_\_\_\_\_ day of \_\_\_\_\_ month, 200\_\_ time.

WITNESS: \_\_\_\_\_

BUYER: \_\_\_\_\_  
Jack Sutton, Director

WITNESS: \_\_\_\_\_

ADDRESS OF BUYER: Hamilton County Park District  
10245 Winton Road  
Cincinnati, Ohio 45231 (513) 521-PARK

(This is a legally binding contract. If not understood, seek legal advice.)

**ABSTRACT OF:**

**The Summary Appraisal Report Applicable to:**

**Rear of Lawrenceburg Road & State Route 50  
Whitewater Township  
Hamilton County, Ohio**

**37.2902± Acres (Unimproved)**

**PREPARED FOR:**

Mr. Rick Johnson  
Planning Director  
**HAMILTON COUNTY PARK DISTRICT**  
10245 Winton Road  
Cincinnati, Ohio 45231

**PREPARED BY:**

**APPRAISAL COMPANY OF AMERICA**  
Gene F. Manion  
Appraiser  
5472 Glenway Avenue  
Cincinnati, Ohio 45238



**DESCRIPTION OF THE SUBJECT ACREAGE:**

**North Acreage:**

This portion of the subject acreage has dual easement access from State Route 50. The configuration of the site is irregular; the topography is substantially level and the lands have been cleared.

**Current Land Use:**

The subject acreage is currently utilized for agricultural purposes.

**River Basin and South Acreage**

Due to the course of the Great Miami River, the south acreage is effectively landlocked. The configuration of river basin and south acreage is irregular with exception to the river channel, the residual south acreage is substantially level.

**Current Land Use:**

The south acreage is substantially wooded. As the acreage is inaccessible, the current land use is dormant.

**NOTE:**

The appraiser assumes that the current ingress/egress easement rights will perpetually run with the subject lands. The appraiser could not find recorded evidence of said easement rights.

### COMPARABLE SALES ANALYSES

14.8291 Acres, North of Great Miami River

Sale No.	Location	Auditor's I.D.	Date of Sale	Sale Price	Land Area	Sale Price Per Acre	Overall Rating to the Subject
1	SW Side of Campbell Rd	560-70-2 & 3 560-80-9, 19 thru 22 & 142	9/12/02	\$916,139	182.91 Acres	\$5,009	Substantially Inferior
2	3925 Lawrenceburg Road	630-220-10,11,12 560-80-9,19 thru 22 & 142	3/26/03	\$520,000	73.75 Acres	\$7,051	Generally Comparable
3	WS of Lawrenceburg Road (rear)	Part of: 570-270-4,5,9 & 10	6/14/05	\$555,685.35	74.09138 Acres	\$7,500	Comparable

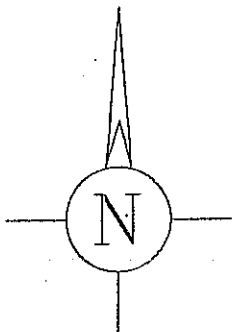
### CONCLUDED VALUE ESTIMATE:

It is the opinion of the appraiser that the value of the unimproved acreage is fairly represented by the following value unit:

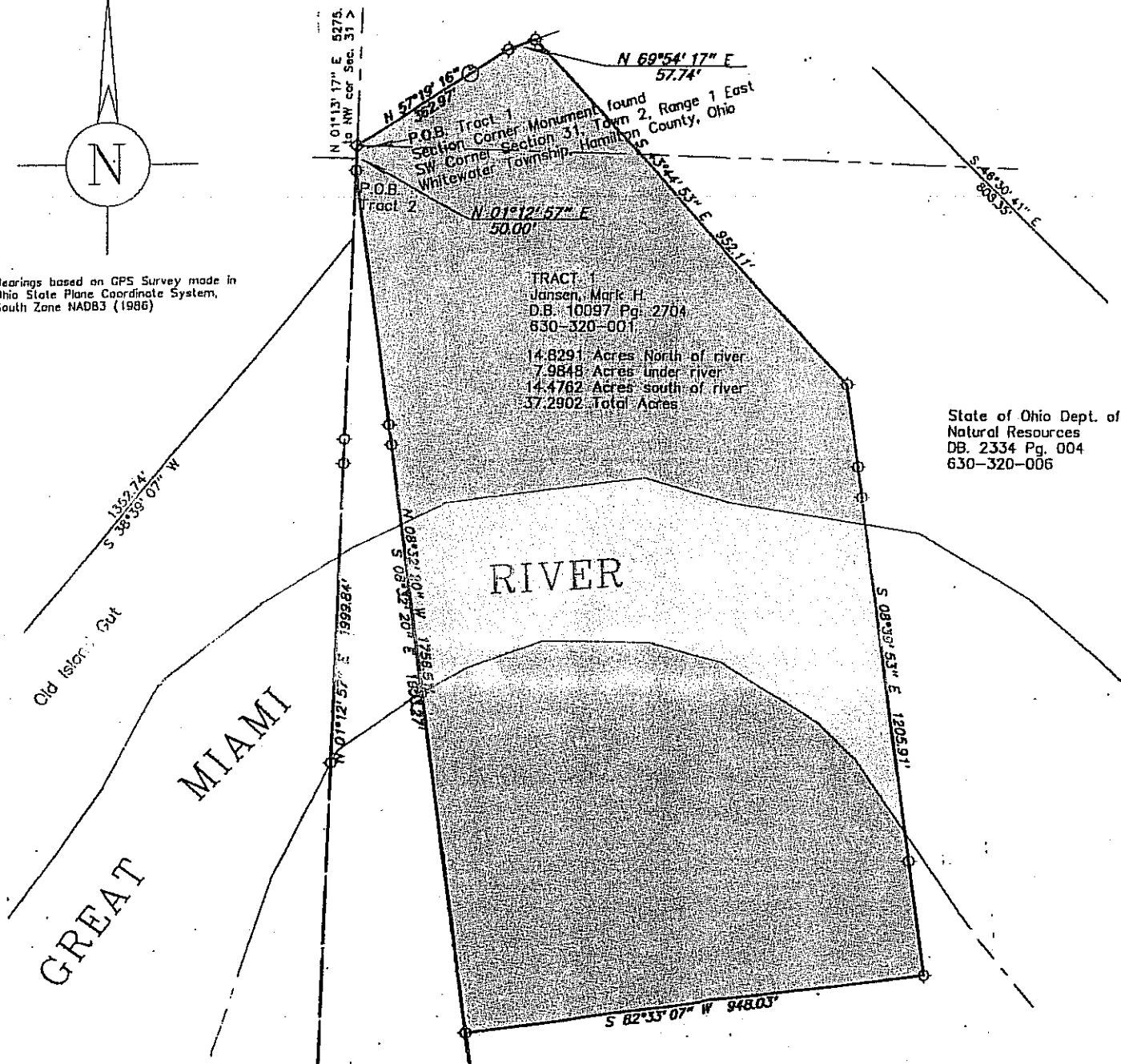
\$7,500.00 PER ACRE

### **Accordingly:**

14.8291 Acres @ \$7,500.00/Acre = \$111,218.25; Taken As: \$111,000.00



Bearings based on GPS Survey made in  
Ohio State Plane Coordinate System,  
South Zone NAD83 (1986)



TRACT 1  
Jansen, Mark H.  
D.B. 10097, Pg. 2704  
630-320-001  
14.8291 Acres North of river  
7.9848 Acres Under river  
14.4762 Acres south of river  
37.2902 Total Acres

State of Ohio Dept. of  
Natural Resources  
DB. 2334 Pg. 004  
630-320-006

**SURVEY**

063003100009

063003100026

ROELL PAUL L & LINDA J  
063003100011

MAGEE JAMES V JR TR@3

Subject

063003200001

STATE OF OHIO DEPARTMENT

063003200006

063003200002

Subject

## Dusty Rhodes, Hamilton County Auditor

generated on 5/24/2006 12:08:58 PM (EST)

## Property Report

Parcel ID	Address	Index Order Parcel ID	Card 1 of 1
330-0320-0001-00	LAWRENCEBURG RD		

<b>Tax Dist</b> 94 WHITEWATER-SOUTHWEST-01070	<b>School Dist</b> 19 SOUTHWEST LSD (HAMILTON CO.)	<b>Land Use</b> 110 CAUV - Agr vacant land
<b>Owner Information</b> Call 946-4015 if Incorrect MAGEE JAMES V JR TR MARK H JANSEN TR 5661 ALOMAR DR CINCINNATI, OH 45238 USA	<b>Tax Bill Mail Addr</b> Call 946-4800 if Incorrect MAGEE JAMES V JR TR & MARK H JANSEN TR 5661 ALOMAR DR CINCINNATI, OH 45238 USA	<b>Property Information</b> LAWRENCEBURG RD 50.33 AC GUARDS ISLAND

<b>Board of Revision</b>	No	<b>Date</b>	11/21/2005
<b>Homestead</b>	No	<b>Conveyance #</b>	47870
<b>5% / Stadium Credit</b>	No	<b>Deed Number</b>	74754
<b>Divided Property</b>	No	<b>Mkt Land Value</b>	70,500
<b>New Construction</b>	No	<b>Cauv Value</b>	5,030
<b>Other Assessments</b>	No	<b>Mkt Impr Value</b>	0
<b>Front Ft.</b>	0.00	<b>Mkt Total Value</b>	5,030
<b># of Parcels</b>	1	<b>Total TIF Value</b>	0
<b>Deed Type</b>	11 QU-Quit Claim Deed	<b>Abated Value</b>	0
<b>Sale Amount</b>	\$6,000	<b>Exempt Value</b>	0
		<b>Acres</b>	
		<b>Taxes Paid</b>	\$39.11

## Residential

<b>Use Code</b>		<b>Exterior Wall Type</b>	
<b>Style</b>		<b>Bsmt Type</b>	
<b>Grade</b>		<b>Heating</b>	
<b>Year Built</b>		<b>Air Conditioning</b>	
<b>Story Height</b>		<b>FirePlace(s)</b>	
<b>Total Rooms</b>	0	<b>Half Bathrooms</b>	
<b># of Bedrooms</b>		<b>Full Bathrooms</b>	
<b>Finished Square Footage</b>	0	<b>Basement Garage - Car Capacity</b>	
<b>First Floor Area</b>		<b>Half Story Floor Area</b>	
<b>Upper Floor Area</b>		<b>Finished Basement</b>	

## Levy Info

Proposed Levies	Mills	Current Annual Tax	Estimated Annual Tax	Note
Southwest LSD - Current				
Expense/Perm.Imp.	Additional 7.20	\$0.00	\$11.45	A
Western Joint Ambulance Dist. - Paramedic	Additional 1.00	\$0.00	\$1.59	A

Levies Passed since 01/01/2006

No Passed Levies Found

Mills	Current Annual Tax	Estimated Annual Tax	Note
-------	--------------------	----------------------	------

## Improvements

Type	Improvement	Measurements	Year Built
No Records Found			

## Sample Sales



# Dusty Rhodes, Hamilton County Auditor

## Payments

Parcel ID  
1 of 1

- Parcel Info
- Summary
- Residential
- Levy Info
- Improvements
- Commercial
- Sample Sales
- Transfer
- Value History
- Payments
- Printable Tab
- Sketch ID Codes
- Image
- Map
- Property Report

Parcel ID 630-0320-0001-00 Address LAWRENCEBURG RD Index Order Parcel ID Card(s) 1

ROBERT A. GOERING, TREASURER  
REAL ESTATE TAX AND PAYMENT INFORMATION  
Current Owner(s) MAGEE JAMES V JR TR & MARK H JANSEN TR Full Rate 82.880000  
Tax Bill Mail MAGEE JAMES V JR TR & MARK H JANSEN TR Effective Rate 49.387310  
Address 5661 ALOMAR DR Tax District 194  
CINCINNATI, OH 45238 USA  
Certified Delinquent Year 0  
Delinquent Payment Plan? No  
TOP Payments Made \$0.00  
(Treasurer's Optional Payment)  
(NOTE: May represent multiple parcels.)

Last Updated 11/23/2005

### TAXABLE VALUE

Land \$1,760  
Improvements \$0  
Total \$1,760

Mail Payments to:  
Hamilton County  
Treasurer  
138 E. Court Street  
Cincinnati, Ohio 45202

- Search By
- Parcel ID
- Owner
- Street Address
- Sales
- Map

- Site Functions
- Property Search
- Comments
- On-Line Help
- Home
- Auditor's Home

### Current Year Tax Detail

	Prior Delq	Adj-Del	December	Adj-Dec	June	Adj-Jun
ReCharge	\$0.00	\$0.00	\$1,022.74	(\$949.81)	\$1,022.74	(\$949.81)
Credit			\$413.30	(\$383.83)	\$413.30	(\$383.83)
Sub Total	\$0.00		\$43.46		\$43.46	
Rollback			\$60.94	(\$56.59)	\$60.94	(\$56.59)
Reduct			\$0.00	\$0.00	\$0.00	\$0.00
Homestead			\$0.00	\$0.00	\$0.00	\$0.00
Sales CR		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Sub Total	\$0.00		\$548.50		\$548.50	
Int / Pen	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Re Paid	\$0.00		\$39.11		\$0.00	
Re Owed	\$0.00		\$0.00		\$39.11	
Sa Paid	\$0.00		\$0.00		\$0.00	
Sa Owed	\$0.00		\$0.00		\$0.00	
Total Owed	\$0.00		\$39.11		\$39.11	
Total Paid	\$0.00		\$39.11		\$0.00	\$39.11
Total Owed	\$0.00<-delq		\$0.00<-First		\$39.11<-fullyr.	

### Detail of Special Assessment

Prior Delq	Adj-Del	December	Adj-Dec	June	Adj-Jun
No Records Found					

### Payment Information For Current And Prior Year

Date	Half	Mach	Seq	TR	Proj	Prior	A-Charge	B-Charge	Surplus
01/31/06	1-05	0001-R				\$0.00	\$39.11	\$0.00	\$0.00

Information believed accurate but not guaranteed. Treasurer disclaims liability for any errors or omissions



# Dusty Rhodes, Hamilton County Auditor

## Levy Info

Parcel ID  
1 of 1

- Parcel Info
- Summary
- Residential
- Levy Info
- Printable Tab
- Sketch ID Codes
- Improvements
- Commercial
- Sample Sales
- Transfer
- Value History
- Payments
- Image
- Map
- Property Report

Parcel ID	Address	Index Order	Card(s)
630-0320-0001-00	LAWRENCEBURG RD	Parcel ID	1

## Levy List

Proposed Levies	Mills	Current	Annual Tax	Estimated	Annual Tax	Not
Southwest LSD - Current	Additional 7.20	\$0.00		\$11.45		A
Expense/Perm.Imp.						
Western Joint Ambulance Dist. -	Additional 1.00	\$0.00		\$1.59		A
Paramedic						

### Levies Passed since 01/01/2006

### Mills Current Annual Tax Estimated Annual Tax Not

**No Passed Levies Found**

This is an estimated levy payment based on the current value of your property. Actual tax amounts per tax year may vary based on changes in property valuation and based on whether a parcel receives any abatement, stadium tax credit, 2.5%, or other reductions during the levy period.

Effective for the tax year 2005, Ohio's biennial budget bill, Amended Substitute House Bill 66, signed by the Governor on June 30, 2005, terminates the 10-percent real property tax rollback for the commercial and industrial classes of property, and agricultural property used for the commercial production of timber. The 10-percent rollback will remain in effect for the residential class of property and most agricultural properties.

A - Proposed for the May 2, 2006, election.

- Site Functions
- Property Search
- Comments
- On-Line Help
- Home
- Auditor's Home

## APPRAISER'S QUALIFICATIONS

### GENE F. MANION

Certified General Real Estate Appraiser,  
State of Ohio, Certificate No. 383256  
Ohio Department of Transportation  
Pre-Qualified Code No. 081120

### EDUCATION:

1958	University of Cincinnati B.B.A. Degree
1955-56	University of Cincinnati - Real Estate Appraising
1965	Michigan State University, Graduate School of Business Administration Income Property Appraising & Financing 1
1969	Michigan State University, Graduate School of Business Administration Income Property Appraising & Financing 2
1992	Appraisal Institute - Course 2-1 Case Studies in R.E. Valuation
1992	American Assoc. of Certified Appraisers - Uniform Standards of Professional Practice
1994	Understanding Limited Appraisals & Appraisal Reporting Options
1995	Appraisal Institute Rates, Ratios & Reasonableness
1996	Real Estate Rehabilitation - Hondros College
1996	U.S.P.A.P. Update - Kentucky Appraiser's Board
1997	U.S.P.A.P. Update - Kentucky Appraiser's Board
1998	Small Hotel/Motel Valuation - Appraisal Institute
1998	U.S.P.A.P. - Five Year Reaccreditation - Hondros College
1998	Dynamics of Office Building Valuation
1998	Ameristate Seminar
1999	New Construction I
2000	Principles of Real Estate Investing
2000	U.S.P.A.P. Update & Issues Impacting the Appraisal Profession
2001	U.S.P.A.P. Update, Views, Laws & Regulations
2002	U.S.P.A.P. KREAB - USPAP Update and Appraisers Issues
2003	Highest & Best Use and Direct Capitalization
2004	F.N.M.A. Requirements National U.S.P.A.P. Update
2005	Appraisal Institute - Evaluating Commercial Construction
2006	National USPAP Update Equivalent Appraisal Trends

### OCCUPATION:

Contract Appraiser- Appraisal Company of America  
5472 Glenway Avenue  
Cincinnati, Ohio 45238

### EXPERIENCE:

1961-63	Staff Appraiser, Department of Urban Renewal, Cincinnati, Ohio
1964-69	Staff, Commercial Real Estate Appraiser Jay F. Zook Co., Mortgage Bankers, Cincinnati, Ohio
1969-71	Staff, Commercial Real Estate Appraiser Kentucky Mortgage Co., Cincinnati, Ohio
1971-78	Staff, Commercial Real Estate Appraiser Mellon Nat'l. Mortgage Company of Ohio, Cincinnati, Ohio
1978 to Present	Self-employed D.B.A. Gene F. Manion, Real Property Appraiser



**APPRAISER DISCLOSURE  
STATEMENT**

In compliance with Ohio Revised Code Section 4763.12 (C)

1. Name of Appraiser: GENE F. MANION

2. Class of Certification/Licensure:

☒ Certified General  
☐ Certified Residential  
☐ Licensed Residential  
☐ Temporary ☐ General ☐ Licensed

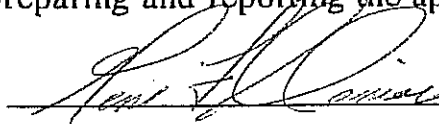
Certification/Licensure Number: 383256

3. Scope: This report ☒ is within the scope of my Certification/License

☐ is not within the scope of my Certification/License

4. Service provided by: ☒ disinterested & unbiased third party  
☐ interested & biased third party  
☐ interested third party on contingent fee basis

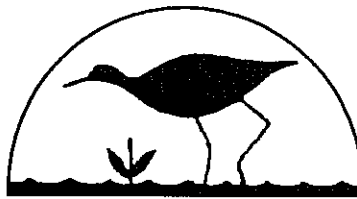
5. Signature of person preparing and reporting the appraisal



**THIS FORM MUST BE INCLUDED IN CONJUNCTION WITH ALL APPRAISAL  
ASSIGNMENTS OR SPECIALIZED SERVICES PERFORMED BY A STATE-  
CERTIFIED OR STATE-LICENSED REAL ESTATE APPRAISER.**

State of Ohio  
Department of Commerce  
Division of Real Estate  
Appraiser Section  
Cleveland OH  
(216) 787-3100

# **Cooperation Agreement**



**OXBOW, Inc.**

FOUNDED 1985

P.O. BOX 43391 • CINCINNATI, OHIO 45243-0391  
513-851-9835

July 5, 2006

**BOARD OF DIRECTORS**

*Jeanne Bocklage  
Dennis Conover  
John Getzendanner  
Michael Kluesener  
Jerry Lippert  
Dennis Mason  
Morris Mercer  
Kaniaulono H. Meyer  
Dr. Steven Pelikan  
Dr. Aaron Perlman  
Dwight Poffenberger  
Richard Pope  
Dr. Jon Seymour  
Suzanne Skidmore  
Dr. David Styer  
Mark Westrich*

**ADVISORY COUNCIL**

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Mrs. Robert L. Black, Jr.  
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George Laycock  
Karl Maslowski  
John Miller  
Thane Maynard  
Valerie Pence  
Dr. Mary M. Riesterberg  
Jack Sutton  
Paul Wharton  
William Zimmerman*

**LEGAL COUNCIL**

*Tim Mara, Atty.*

Jack Sutton  
Director  
Hamilton County Park District (HCPD)  
10245 Winton Road  
Cincinnati, OH 45231

Dear Jack,

Sally Bauer and Rick Johnson have brought to the attention of Oxbow, Inc. that HCPD is negotiating the purchase of the Jansen property located in the flood plain of the Great Miami River adjacent to the Indiana state line. It is our understanding that you are applying for a Clean Ohio Grant and wished that Oxbow, Inc. would partner with HCPD in this purchase.

Oxbow, Inc. has been preserving land in the Great Miami flood plain since our first purchase in 1987. We now own, or own conservation easements on over 1000 acres of the flood plain on the Indiana side of the state line and 25 acres of the flood plain on the Ohio side. We own conservation easements on the land immediately on the Indiana side of the border from your proposed purchase of the Jansen property (see map included).

The Board of Oxbow, Inc. met on June 28, 2006 and authorized a pledge of a \$1000 donation to HCPD to aid in the purchase of the Jansen property contingent on HCPD receiving the Clean Ohio Grant.

The Board of Oxbow, Inc., representing 850 member households in the Greater Cincinnati area (about 65% in the state of Ohio), hopes this pledge will demonstrate the broad community support for this purchase.

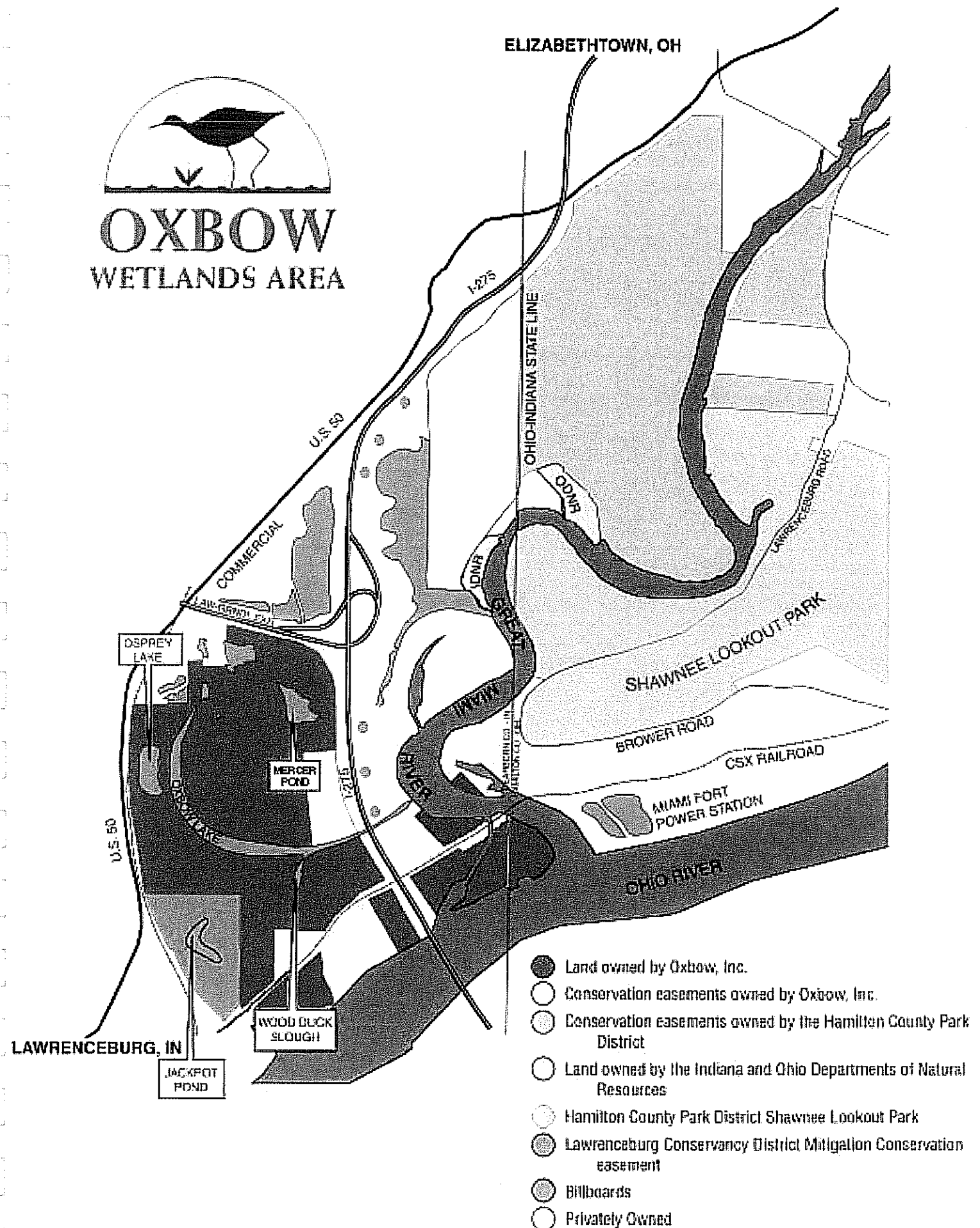
Sincerely,

Jon Seymour  
President, Oxbow, Inc.



# OXBOW

## WETLANDS AREA



**Consultation with Legislative Authorities**  
**Per PRC 164.23**



DATE:	March 28, 2005	FAX NO.	941-9307
TO:	Miami Township	PAGES:	5
ATTN:	Cindy Oser		(including this cover sheet)
FROM:	Sally Bauer, Park Planner	PHONE	941-2466

**IF YOU HAVE ANY PROBLEM WITH THE RECEPTION OF THESE PAGES, PLEASE  
CONTACT US AT (513) 728-3551, EXT 264**

As required by the Clean Ohio Conservation Program Grant Application, Ohio Revised Code Sec. 164.23, the Hamilton County Park District is consulting with Miami Township regarding the following project:

- Jansen Tract – see attached location map

(See attached project information describing the above project)  
No Funds from Miami Township are involved in this project.

**Please respond to this fax indicating you have received this information and  
acknowledge these applications.**

Should you have any questions, please contact Sally Bauer, Park Planner at 728-3551 extension 264.



HAMILTON COUNTY PARK DISTRICT  
10245 Winton Road, Cincinnati, Ohio 45231

FACSIMILE COVER SHEET  
TEL NO. (513) 728-3551 Ext.217  
FAX NO. (513) 521-2896

DATE:	June 9, 2006	FAX NO.	(513) 946-4330
TO:	Hamilton County Grants Administrator	PAGES:	
ATTN:	Cindy Weltlauf,		(including this cover sheet)
FROM:	Sally Bauer, Park Planner		

**IF YOU HAVE ANY PROBLEM WITH THE RECEPTION OF THESE PAGES, PLEASE  
CONTACT US AT (513) 728-3551, EXT 264**

As required by the Clean Ohio Conservation Program Grant Application, Ohio Revised Code Sec. 164.23, the Hamilton County Park District is consulting with Whitewater Township regarding the following project:

- Jansen Tract at

(See attached project information describing the above project)  
No Funds from Hamilton County are involved in this project.

**Please respond to this fax indicating you have received this information and  
acknowledge these applications.**

Should you have any questions, please contact Sally Bauer, Park Planner at 728-3551 extension 264.



# Hamilton County

## County Administrator

### BOARD OF COMMISSIONERS

Pat DeWine  
Phil Heimlich  
Todd Portune

County Administration Building  
138 East Court Street, Room 603  
Cincinnati, Ohio 45202

ADMINISTRATOR  
Patrick J. Thompson  
Phone (513) 946-4420

Phone: (513) 946-4400  
Fax: (513) 946-4444  
TDD/TTY: (513) 946-4719  
[www.hamiltoncountyohio.gov](http://www.hamiltoncountyohio.gov)

June 14, 2006

Mr. Jack Sutton  
Hamilton County Park Director  
10245 Winton Road  
Cincinnati, Ohio 45231

Dear Mr. Sutton:

Hamilton County supports the Hamilton County Park District's application to the Clean Ohio Conservation Program to purchase property located in southwest Hamilton County.

By purchasing this site, the Park District will help preserve wildlife, a floodplain area, a riparian corridor, a wetlands area and will restore the site with native vegetation along the Great Miami River.

If you have questions or wish to discuss this issue, please contact me at 513-946-4420.

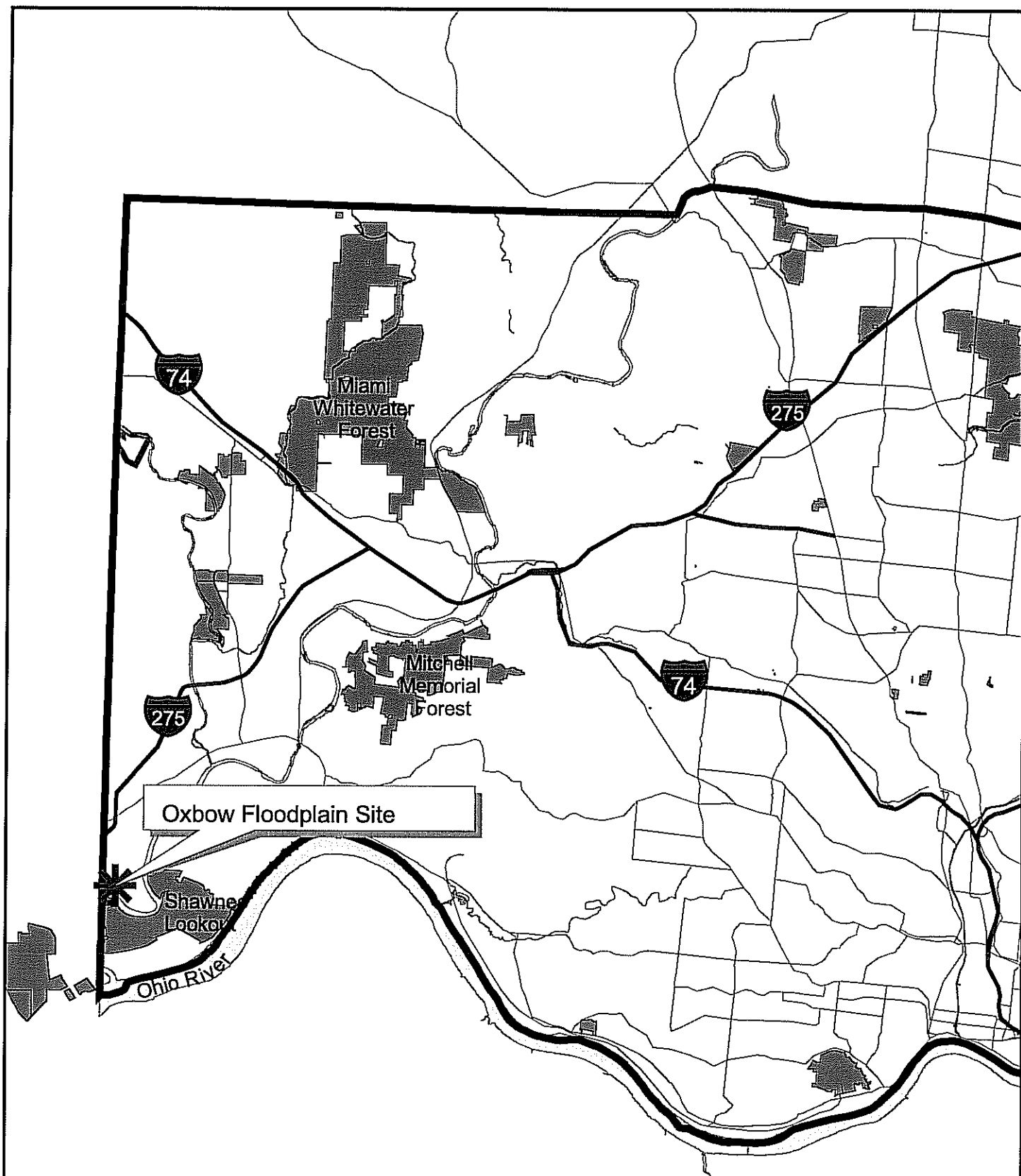
Sincerely,

A handwritten signature in cursive script, reading "Patrick J. Thompson".

Patrick Thompson  
Hamilton County Administrator



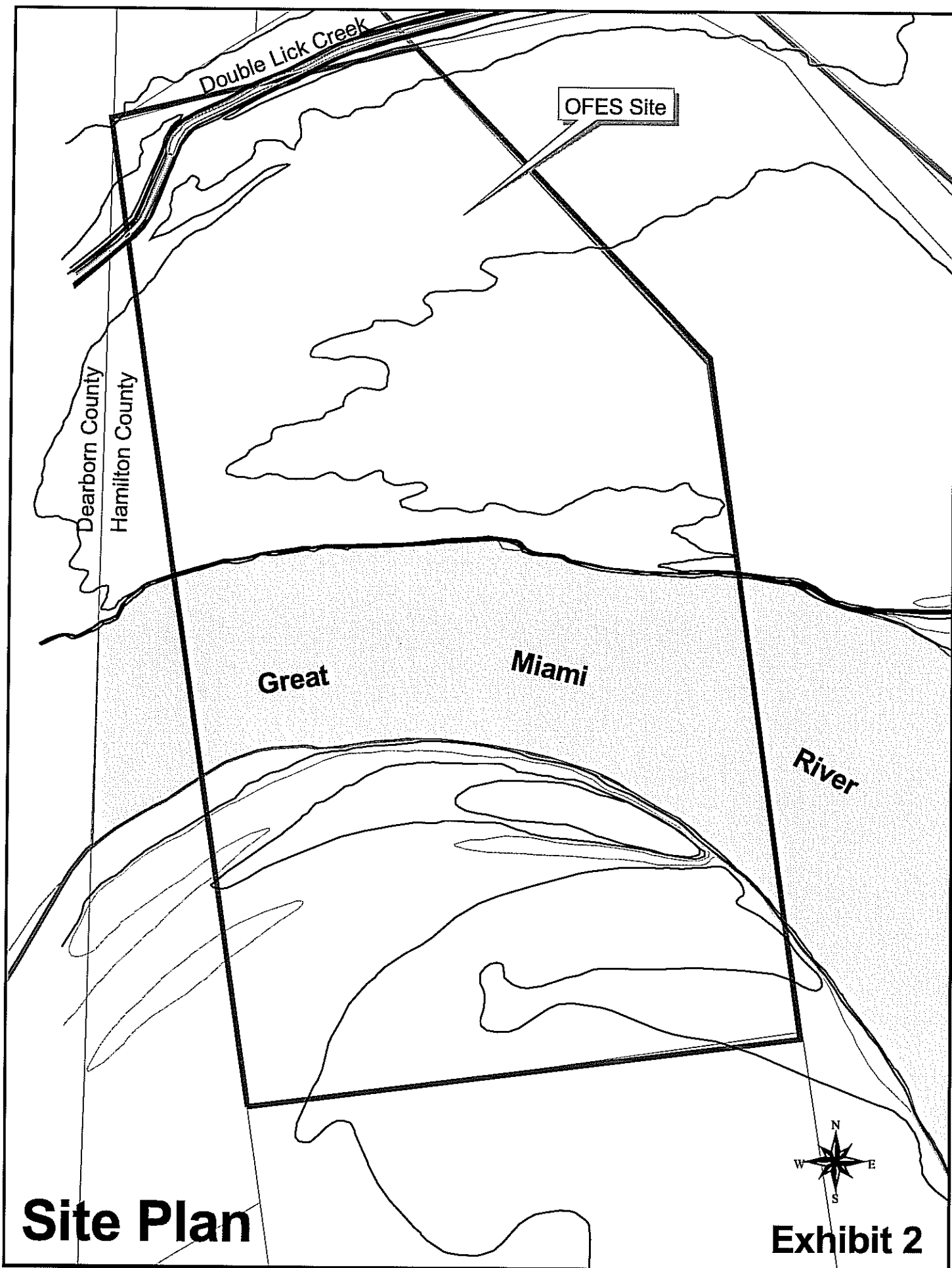
**Exhibits**

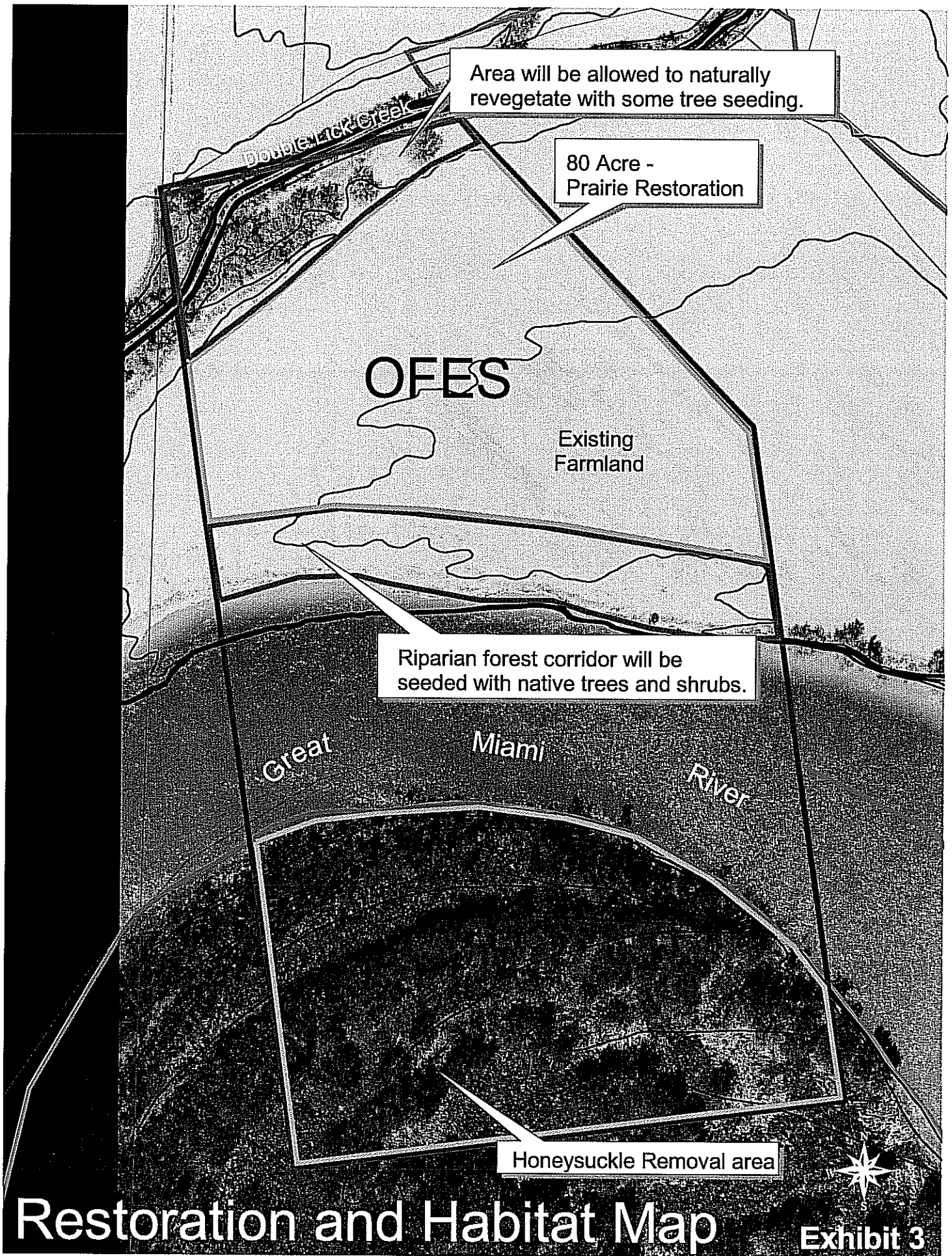


**Location Map**



**Exhibit 1**





Area will be allowed to naturally revegetate with some tree seeding.

80 Acre -  
Prairie Restoration

OFES

Existing  
Farmland

Riparian forest corridor will be  
seeded with native trees and shrubs.

Great

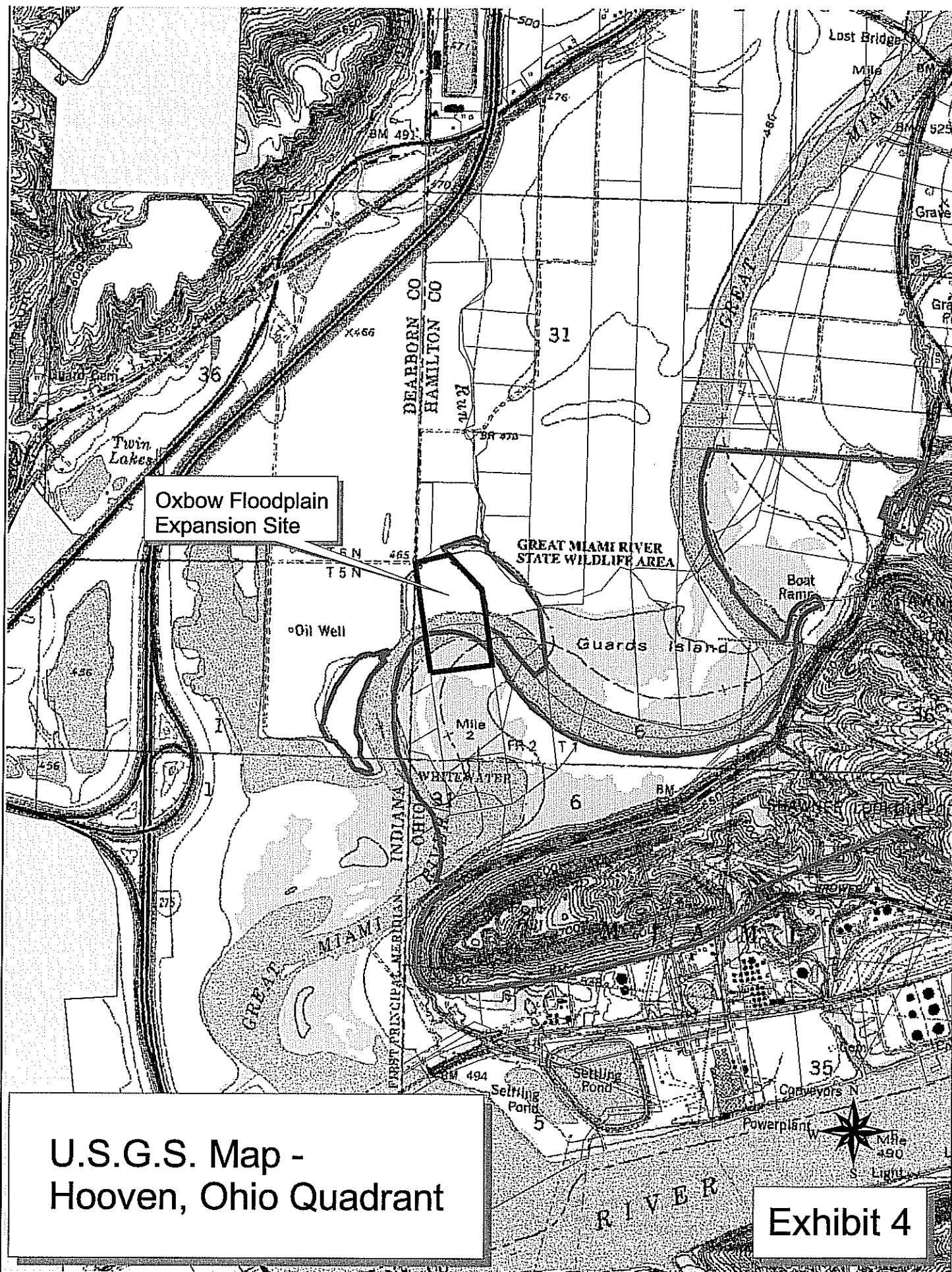
Miami

River

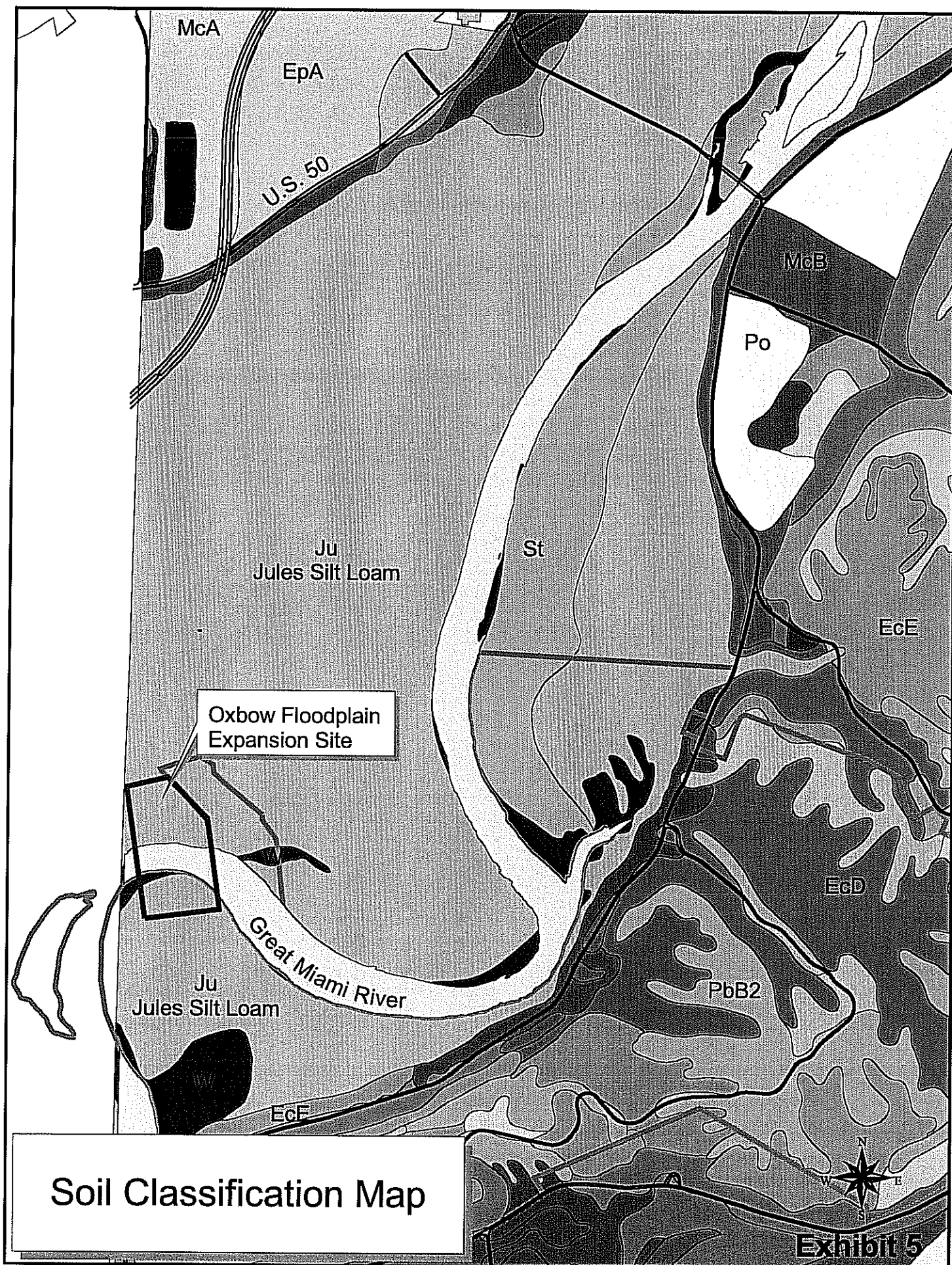
Honeysuckle Removal area

Restoration and Habitat Map

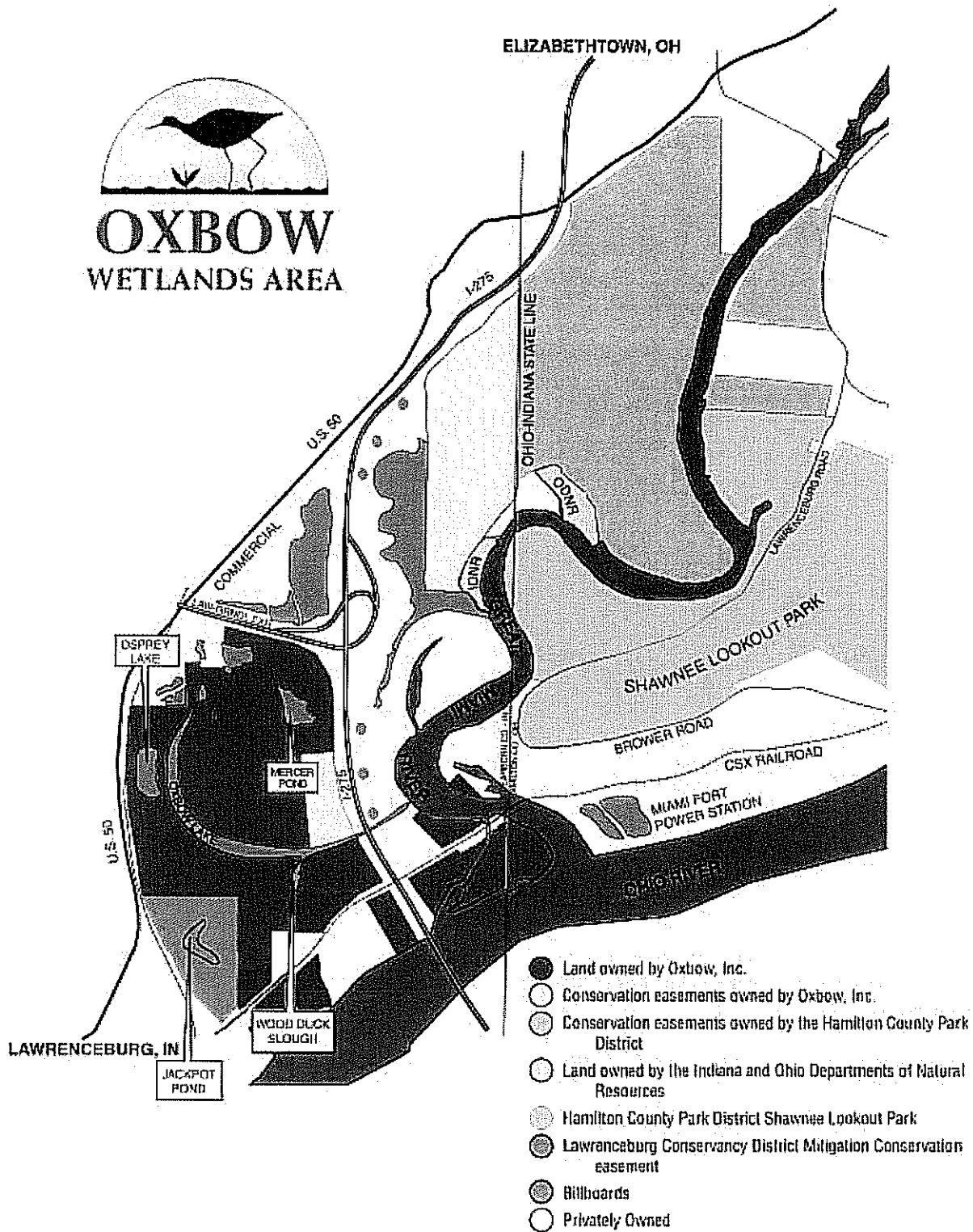
Exhibit 3







# Appendix



1/1/2003

本報地址：新加坡坡底大馬路門牌111號  
 電話：(06) 235 5511

## Appendix A



## Bucks from Birds: Economic Values of Bird-related Recreation

For birders, the thrill of birdwatching often comes in the sights, sounds, and serenity of spotting colorful migrants in a tranquil forest dawn. For others, the thrill of birdwatching comes in the birdwatcher's wallet! Wildlife-based recreation is big business, producing billions of dollars annually in taxes, sales, and salaries. Recent studies have determined that birdwatching and wildlife photography yield substantial economic benefits for communities near refuges and protected areas. Birders need binoculars, field guides, maps, film, and other gear. On a typical weekend they might fuel up the car, drive to the Refuge, buy lunch at a local diner, and spend the night in a motel. And when they get home, they fill up the bird feeder. All of these things cost money, that annually adds up to billions of dollars for the birds!

Birds should be seen as natural and economic attractions, and their habitats should be seen not as economic dead-zones but as fertile investments. Listed below are several facts related to the economic impacts of birdwatchers. The numbers will amaze you!

- In the United States in 1991, an estimated 65 million people fed birds, and 54 million reported watching wildlife around their homes. Of these, about 51 million (94%) were "backyard" birdwatchers. (USDI Survey, 1993)
- Each year, nongame wildlife appreciation in the United States generates a total economic return of \$20 billion (USDI Survey, 1993). The largest part is contributed by bird enthusiasts.
- A total of \$3 billion was spent in 1991 on equipment and supplies for nongame wildlife appreciation activities. (USDI Survey, 1993)
- Annually, more than \$1 billion is spent on bird seed, feeders, baths, and nesting boxes. (USDI Survey, 1993)
- The average birder annually spends more than \$350 on travel and paraphernalia related to birdwatching. Committed birders spend much more - on average, active birders annually spend about \$2000 on birdwatching, with half that amount on travel, i.e. avitourism. (Wiedner and Kerlinger, 1990)
- In 1991, 24 million Americans took trips for the express purpose of viewing and photographing wild birds. They spent \$2.5 billion on trip-related expenses, including \$1.5 billion on food and lodging. (USDI Survey, 1993)
- In a 1990 survey, twice as many vacationers preferred to watch birds than play golf! (Fortune, 1990). And the economic impact these birders have is significant.

The effect of dollars spent by ecotourists in and around bird watching sites is "multiplied" as tourist dollars become profits, then local wages, then consumer income once again, and so on. In some regions, this cumulative effect may approach five-to-one. Consider the following examples:

- *Cape May, New Jersey: More than 100,000 birders visit this area annually, providing a cumulative impact of nearly \$10 million. (Kerlinger and Wiedner, 1991).*
- *High Island, Texas: In 1992, more than 6,000 birders visitors this small Gulf Coast*

The findings of this evaluation may factor into regulatory actions taken by the Ohio EPA (e.g., NPDES permits, Director's Orders, or the Ohio Water Quality Standards (OAC 3745-1)), and may eventually be incorporated into State Water Quality Management Plans, the Ohio Nonpoint Source Assessment, and the biennial Ohio Water Resources Inventory (305[b] report).

## SUMMARY

### **Aquatic Life Use Attainment**

#### *Middle and Lower Great Miami River Mainstem*

Approximately 90 miles of the Great Miami River mainstem were assessed as part of the 1995 survey (Table 1, Figure 1a, 1b, and 1c.). The sampling effort included 164 biological, chemical, and physical sampling stations, evaluating the river from upstream of Dayton at approximately river mile (RM) 90.0 to the mouth (RM 0.0). Of the 90 mainstem miles evaluated in 1995, 55.3% were in full attainment, 40.3% were in partial attainment, and 4.4% were in non-attainment of the applicable biological criteria. The majority of partial and non-attainment in the segment between Dayton and Middletown was due to habitat alterations caused by the numerous low-head dams. However, partial and non-attainment in the lower reach from Middletown to the Ohio River was due to a combination of CSO impacts, contaminated sediment, and inadequately treated effluent from numerous point source discharges.

The WWH use attainment status in the Great Miami River from the city of Dayton to Middletown (RM 90.0 to 55.0) has improved markedly since 1980 and 1989 due to the numerous WWTP upgrades and subsequent reductions in loadings of oxygen demanding wastes and ammonia-N. A total of 29.9 miles were in full attainment, 3.6 miles were in partial attainment, and 1.5 were in non attainment of the WWH criterion in 1995. Within the upper half of the mainstem, all of the free flowing sites were in full attainment of the existing WWH use designation with the exception of one site immediately downstream from Owl Creek. Two paper companies (Fraser Paper and West Carrollton Parchment) discharge directly to Owl Creek. The macroinvertebrate community performance in Owl Creek was very poor and was indicative of highly toxic instream conditions. Most of the impounded segments were in partial or non attainment of the WWH use designation with the exception of the DP&L Tait dam pool and the Monument Avenue dam pool (Figure 1a). The partial or non attainment corresponded to an increased incidence of deformities, erosions, lesions, and tumor (DELT) anomalies which occurred within the dam pools indicating sublethal stresses to the fish community. The sublethal stresses were principally nutrient enrichment and marginal dissolved oxygen (D.O.) levels, which are associated with the many WWTPs and other discharges of organic wastes. The WWTP upgrades have substantially advanced aquatic life use attainment within the free flowing sections of the middle Great Miami River. The public interest groups and local government agencies are accredited for the measurable and meaningful environmental improvements realized through WWTP upgrades.

Table 1 Continued.

RIVER MILE Fish/Invert.	IBI	Modified Iwb	ICI <sup>a</sup>	QHEI <sup>b</sup>	Use Attain- ment Status <sup>c</sup>	Comments
<i>Great Miami River (1995)</i>						
65.9B/ --	30*	8.1 <sup>ns</sup>	--	57.0	[PART]	Adj. Mound, imp.
65.0B/ --	34	8.7	--	46.5	NA	M'burg WWTP mix zone, imp.
64.8B/ --	33*	8.3 <sup>ns</sup>	--	46.0	[PART]	dst. M'burg WWTP, imp.
64.3B/64.35	40	8.9	VG,G	60.5	NA	DP&L Hutchings EGS m. zone
-- /64.3	--	--	50	--	[FULL]	dst. Hutchings EGS Dam
64.0B/64.1	41 <sup>ns</sup>	9.5	52	85.5	FULL	dst. DP&L Hutchings EGS
63.3B/62.6	50	9.6	G	81.0	FULL	Old Chautauqua dam
62.1B/62.6	40 <sup>ns</sup>	8.6	G	83.5	FULL	ust. Franklin WWTP
60.2B/60.2	41 <sup>ns</sup>	9.0	44	69.0	FULL	ust. Franklin WWTP
59.65B/59.65	39	9.2	G,G	85.5	NA	Franklin WWTP mixing zone
59.4B/59.1	39 <sup>ns</sup>	9.3	48	80.0	FULL	dst. Franklin WWTP
58.4B/58.3	46	8.9	48	88.0	FULL	dst. Clear Creek
55.1B/55.0	44	9.8	46	83.0	FULL	SR 4
52.4B/ --	29*	7.1*	--	56.5	[NON]	SR 122, impounded
52.0B/51.5	39 <sup>ns</sup>	9.5	44	78.5	FULL	dst. new Middletown Dam
51.40B/51.40	35	6.2	8	51.0	NA	AK Steel 001 mixing zone
51.3B/51.3	33*	7.5*	38	52.5	PART.	dst. AK Steel
51.0B/50.9	28*	8.4 <sup>ns</sup>	38	60.5	PART.	ust. Elk Creek
49.1B/49.3	35*	7.8*	40	75.5	PART.	SR 73
48.20B/48.20	31	6.6	G,G	81.5	NA	Middletown WWTP mix zone
48.0B/47.7	33*	7.9*	44	73.5	PART.	dst. Middletown WWTP
47.5B/47.5	44	9.0	40	86.0	FULL	dst. Dicks Creek
45.65B/45.65	35	8.5	MG,MG	67.5	NA	LeSourdsville WWTP mix zone
45.5B/45.5	32*	8.0 <sup>ns</sup>	44	82.5	PART.	dst. LeSourdsville WWTP
43.4B/43.3	32*	8.0 <sup>ns</sup>	40	83.0	PART.	dst. Miller Brewing
40.6B/38.5	37*	9.0	42	84.0	PART.	ust./dst. old Armco 001

Table 2. Stream characteristics and significant identified pollution sources in the Middle and Lower Great Miami River study area, 1995.

Stream Name	Length (Miles)	Average Fall (Ft/Mile)	Drainage Area Mi <sup>2</sup>	Nonpoint Source Pollution Categories	Point Sources Evaluated
<b>Great Miami River</b>	92.6		2907.1	Agriculture, Urban, Hydromodification, Land Disposal, In-place Pollutants, In-stream Sand & Gravel Mining	Dayton WWTP Appleton Paper Mont. Co. - W. Regional WWTP Fraser Paper W. Carrollton Parch. W. Carrollton WWTP U.S. DOE - Mound Miamisburg WWTP DP&L - Hutchings EGS Franklin WWTP Bay West AK (Armco) Steel - Middletown Crystal Tissue Middletown WWTP Butler Co. - LeSourdsville WWTP Miller Brewing Armco - New Miami (closed) Hamilton Municipal Power Hamilton WWTP Fairfield WWTP U.S. DOE - Fernald Hamilton Co. MSD Taylor Cr. WWTP Chevron Chemical /Oil
<b>Wolf Creek</b>	16.7	16.9	71.8	Agriculture, Urban, Land Disposal In-place Pollutants	Brookville WWTP
<b>Dry Run</b> (Trib. to Wolf Creek)	3.2	21.2	7.84	Agriculture, Urban, Land Disposal	-
<b>Holes Creek</b>	9.0	22.7	28.08	Agriculture, Urban, Land Disposal	-
<b>Owl Creek</b>	3.3		3.8		Fraser Paper, West Carrollton Parchment

highly or extremely elevated levels of zinc at all five sites on Dicks Creek and chromium at three of the five sites. Highly or extremely elevated levels of one or more metals including arsenic, nickel, and cadmium were observed at three of the five Dicks Creek sites. Highly elevated levels of zinc was detected in the North Branch of Dicks Creek downstream from the AK Steel 004 outfall. Paddys Run had highly to extremely elevated cadmium levels coinciding with impaired fish communities; however, intermittent and low flows seemed to be the most likely cause of fish community impairment. PAHs were below the detection limit in Bear Creek, but were detected in Wolf Creek, Owl Creek, Dicks Creek, and the North Branch of Dicks Creek. Several pesticides were detected at six of the eleven sites. Highly or extremely elevated levels (Kelly and Hite 1984) of dieldrin were detected in Wolf Creek and the North Branch of Dicks Creek. PCBs were not detected in Wolf Creek, Bear Creek, or the North Branch of Dicks Creek, but were detected in Owl Creek as highly elevated (greater than the lowest effect level). Extremely elevated levels (greater than the severe effect level) of PCBs were detected in Dicks Creek at RMs 2.51 and 0.93. The observed contaminated sediments correspond with a significant impairment of the macroinvertebrate community performance in Dicks Creek, North Branch of Dicks Creek, Wolf Creek, and Owl Creek. The contaminated sediments also corresponded to a significant impairment to the fish community in Dicks Creek (RMs 2.4 and 0.4) and Wolf Creek (RMs 16.7 and 15.0).

### **Trend Analysis**

#### *Great Miami River*

During the past decade, significant progress has been made towards restoring the chemical, physical, and biological integrity of the middle and lower reaches of the Great Miami River (RM 90.0 to 0.0). Based on comparisons with previous biological surveys conducted by Ohio EPA in 1980 and 1989, the 1995 results showed a continued improvement in the middle and lower Great Miami River. In 1980, most sites failed to attain the existing WWH use designation (i.e., full - 1.6 miles, partial - 5.9 miles, and non - 82.5 miles). By 1989, many sites improved to partial attainment (i.e., full - 6.6 miles, partial - 63.5 miles, and non - 19.9 miles) and further to full attainment by 1995 (i.e., full - 49.7 miles, partial - 36.3 miles, and non - 4.0 miles). Improvements are due primarily to the improved treatment of sewage by county and municipal WWTPs. Complete recovery was not evident in 1995, however, because 40.3 miles were in partial or non-attainment due primarily to a failure of fish assemblages to meet the IBI criterion. Non-attainment was mostly associated with habitat alterations caused by impoundments as well as impacts from point source discharges.

A relatively new approach developed by Ohio EPA to visualize the extent to which a particular site or entire river or stream reach is or is not attaining the goals set forth in the Ohio WQS is the use of Biological Integrity Equivalents (BIE). These involve using the information compiled in the use attainment table by summing the available indices at each sampling location and dividing

# Species List

River Code: 14-001	Stream: Great Miami River	Sample Date: 1995
River Mile: 3.90	Basin: Great Miami River	Date Range: 09/13/95
	Time Fished: 4690 sec	Drain Area: 5357.0 sq mi
	Dist Fished: 1.00 km	No of Passes: 2
		Thru: 10/04/95
		Sampler Type: A

Species Name / ODNR status	IBI Grp	Feed Guild	Breed Guild	Tol	# of Fish	Relative Number	% by Number	Relative Weight	% by Weight	Ave(gm) Weight
LONGNOSE GAR		P	M		1	1.00	0.25	1.10	0.66	1,100.00
MOONEYE [S]		I	M	R	3	3.00	0.74	0.47	0.29	157.33
GIZZARD SHAD		O	M		168	168.00	41.69	9.28	5.61	55.25
THREADFIN SHAD		O	M		1	1.00	0.25	0.00	0.00	1.00
SMALLMOUTH BUFFALO	C	I	M		6	6.00	1.49	5.05	3.05	840.83
QUILLBACK CARPSUCKER	C	O	M		1	1.00	0.25	0.01	0.00	8.00
RIVER CARPSUCKER	C	O	M		3	3.00	0.74	1.63	0.99	543.33
SILVER REDHORSE	R	I	S	M	1	1.00	0.25	2.05	1.24	2,050.00
GOLDEN REDHORSE	R	I	S	M	2	2.00	0.50	0.61	0.37	305.00
COMMON CARP	G	O	M	T	38	38.00	9.43	66.88	40.43	1,760.09
SILVER CHUB	N	I	M		2	2.00	0.50	0.01	0.00	4.00
EMERALD SHINER	N	I	S		50	50.00	12.41	0.12	0.07	2.32
SPOTFIN SHINER	N	I	M		2	2.00	0.50	0.01	0.01	7.00
BULLHEAD MINNOW	N	O	C		4	4.00	0.99	0.01	0.01	3.50
BLUNTNOSE MINNOW	N	O	C	T	1	1.00	0.25	0.00	0.00	1.00
COM. CARP X GOLDFISH	G	O		T	1	1.00	0.25	0.65	0.39	650.00
CHANNEL CATFISH	F		C		13	13.00	3.23	12.34	7.46	949.00
FLATHEAD CATFISH	F	P	C		3	3.00	0.74	0.85	0.51	281.67
WHITE BASS	F	P	M		15	15.00	3.72	6.19	3.74	412.40
STRIPED BASS	E	P	M		1	1.00	0.25	1.50	0.91	1,500.00
STR. BASS X WH. BASS	E				22	22.00	5.46	48.70	29.43	2,213.41
SMALLMOUTH BASS	F	C	C	M	5	5.00	1.24	0.28	0.17	56.00
SPOTTED BASS	F	C	C		1	1.00	0.25	0.00	0.00	2.00
LARGEMOUTH BASS	F	C	C		6	6.00	1.49	2.28	1.38	379.83
GREEN SUNFISH	S	I	C	T	1	1.00	0.25	0.00	0.00	2.00
BLUEGILL SUNFISH	S	I	C	P	10	10.00	2.48	0.34	0.21	34.40
LONGEAR SUNFISH	S	I	C	M	5	5.00	1.24	0.03	0.02	6.40
PUMPKINSEED SUNFISH	S	I	C	P	1	1.00	0.25	0.12	0.07	115.00
B'GILL X PUMPKINSEED					1	1.00	0.25	0.05	0.03	51.00
SAUGER	F	P	S		2	2.00	0.50	1.31	0.79	655.00
FRESHWATER DRUM			M	P	33	33.00	8.19	3.57	2.16	108.25
Mile Total					403	403.00		165.43		
Number of Species					28					
Number of Hybrids					3					



**Oxbow, Inc**

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## Birds of the Oxbow

### **Loons**

Red-throated Loon  
Common Loon

### **Grebes**

Pied-billed Grebe  
Horned Grebe  
Red-necked Grebe

### **Pelicans & Allies**

American White Pelican  
Double-crested Cormorant

### **Herons and Allies**

American Bittern  
Least Bittern  
Great Blue Heron  
Great Egret Snowy Egret  
Little Blue Heron  
Tricolored Heron  
Cattle Egret  
Green Heron  
Black-crowned Night-Heron

### **Buff-breasted Sandpiper**

Ruff  
Short-billed Dowitcher  
Long-billed Dowitcher  
Wilson's Snipe  
American Woodcock  
Wilson's Phalarope  
Red-necked Phalarope  
Laughing Gull  
Franklin's Gull  
Little Gull  
Bonaparte's Gull  
Ring-billed Gull  
Herring Gull  
Iceland Gull  
Glaucous Gull  
Geat Black-backed Gull  
Caspian Tern  
Common Tern  
Forster's Tern

### **Starlings**

European Starling

### **Pipits**

American Pipit

### **Waxwings**

Cedar Waxwing

### **Wood Warblers**

Blue-winged Warbler  
Golden-winged Warbler  
Tennessee Warbler  
Orange-crowned Warbler  
Nashville Warbler  
Northern Parula  
Yellow Warbler  
Chestnut-sided Warbler  
Magnolia Warbler  
Cape May Warbler  
Black-throated Blue Warbler  
Yellow-rumped Warbler  
Black-throated Green Warbler

Turkey Vulture	Willow Flycatcher	Fox Sparrow
Osprey	Eastern Phoebe	Song Sparrow
Bald Eagle	Great Crested Flycatcher	Lincoln's Sparrow
Northern Harrier	Eastern Kingbird	Swamp Sparrow
Sharp-shinned Hawk	<b>Shrikes</b>	White-throated Sparrow
Cooper's Hawk	Loggerhead Shrike	Harris's Sparrow
Red-shouldered Hawk	<b>Vireos</b>	White-crowned Sparrow
Broad-winged Hawk	White-eyed Vireo	Dark-eyed Junco
Red-tailed Hawk	Yellow-throated Vireo	Lapland Longspur
Rough-legged Hawk	Blue-headed Vireo	Snow Bunting
Golden Eagle	Warbling Vireo	<b>Grosbeaks, Buntings &amp; Cardinals</b>
American Kestrel	Philadelphia Vireo	Northern Cardinal
Merlin	Red-eyed Vireo	Rose-breasted Grosbeak
Peregrine Falcon	<b>Jays &amp; Crows</b>	Blue Grosbeak
<b>Gallinaceous Birds</b>	Blue Jay	Indigo Bunting
Ring-necked Pheasant	American Crow	Dickcissel
Ruffed Grouse	<b>Larks</b>	<b>Blackbirds &amp; Orioles</b>
Wild Turkey	Horned Lark	Bobolink
Northern Bobwhite	<b>Swallows &amp; Martins</b>	Red-winged Blackbird
<b>Cranes &amp; Rails</b>	Purple Martin	Eastern Meadowlark
Yellow Rail	Tree Swallow	Rusty Blackbird
King Rail	Northern Rough-winged Swallow	Brewer's Blackbird
Virginia Rail	Bank Swallow	Common Grackle
Sora	Cliff Swallow	Brown-headed Cowbird
Purple Gallinule	Barn Swallow	Orchard Oriole
Common Moorhen	<b>Chickadees &amp; Titmice</b>	Baltimore Oriole
American Coot	Carolina Chickadee	<b>Finches</b>
Sandhill Crane	Tufted Titmouse	Purple Finch
<b>Shorebirds &amp; Gulls</b>	<b>Nuthatches</b>	House Finch
Black-bellied Plover	Red-breasted Nuthatch	Pine Siskin
American Golden-Plover	White-breasted Nuthatch	American Goldfinch
Wilson's Plover	<b>Creepers</b>	Evening Grosbeak
Semipalmated Plover	Brown Creeper	<b>Old World Sparrows</b>
Piping Plover	<b>Wrens</b>	House Sparrow
Killdeer	Carolina Wren	
American Avocet	House Wren	